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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

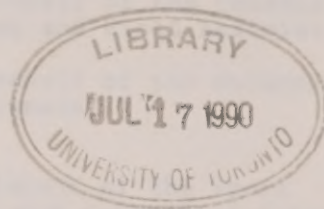
B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON WEDNESDAY, MAY 31, 1989

VOLUME 55

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C O U N S E L:

| | |
|------------------------------------|--|
| R. ARMSTRONG, Q.C. Ms. K. CHOWN | on behalf of the Commission |
| R. BOURQUE | on behalf of the Canadian Track and Field Association |
| J. DePENCIER | on behalf of the Government of Canada |
| T. BARBER | on behalf of the Sport Medicine Council of Canada |
| A. PRATT | on behalf of Charles Francis |
| E. FUTERMAN L. LIPKUS | on behalf of Ben Johnson |
| D. SOOKRAM L. LEVINE | on behalf of Dr. M. G. Astaphan |
| Ms. G. PINHEIRO | on behalf of A. Issajenko |
| O. SALA | on behalf of David Steen |
| C. ASHBY | on behalf of Bishop Dolegiewicz |
| A. ALBRIGHT | on behalf of Michael Spiritoso |

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I N D E X O F E X H I B I T S

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--- Commission Resumed.

GEORGE MARIO ASTAPHAN: Recalled.

5 THE COMMISSIONER: Mr. Sookram, have you worked out the medical reports?

MR. FUTERMAN: Yes, we have, Mr. Commissioner. Mr. Sookram and I have agreed that I can file both these reports without having to read them. Mr. 10 Sookram has been advised that the doctor that has written these reports will be called as a witness by the Commission, and he is quite content to have the option of cross-examining the doctor at that time. So perhaps--

15 THE COMMISSIONER: Well, does anyone want to ask Dr. Astaphan--may I see them, please. What is your position, Mr. Sookram?

MR. SOOKRAM: My position, sir, is that save for one little paragraph which could not be used today, and it's a personal matter regarding Mr. Johnson 20 and it's on page 2 of the report itself, paragraph 4.

THE COMMISSIONER: I was just reading this, Mr. Futerman. We're well aware and have known for some time that anabolic steroids have side-effects, and one of them relates to the liver, but I must say that I was under 25 the impression from your cross-examination yesterday of

the doctor on this narrow issue that on March the 10th, Mr. Johnson was suffering from a severe liver ailment. I now notice that that's not so.

5 MR. FUTERMAN: I believe the evidence that I was calling suggested that he had an abnormal reading of 72 which suggests--

THE COMMISSIONER: You indicated it was a serious liver ailment on March the 10th, and I notice now that he has a normal liver.

10 MR. FUTERMAN: Mr. Commissioner, I don't think there was any suggestion that there was a serious liver dysfunction.

THE COMMISSIONER: That was the impression you were making, Mr. Futerman.

15 MR. FUTERMAN: I thought that I was trying to say that there was a possibility with an abnormal reading of that number, that the doctor should be following up on it. That was my intention.

20 THE COMMISSIONER: "The results of these tests would indicate normal function of the liver at the present."

MR. FUTERMAN: That was the last examination in May.

25 THE COMMISSIONER: You had that at the time.

MR. FUTERMAN: Yes, and I reported what the reading was. It was 61.

THE COMMISSIONER: All right. Well, we will have these marked--is the doctor going to be called?

5 MR. FUTERMAN: That's my intention and I've advised counsel of that.

THE COMMISSIONER: We will just mark these for identification then. You're finished your examination then?

10 MR. FUTERMAN: Yes, I am.

THE COMMISSIONER: All right, Mr. Sookram, re-examination.

MR. ARMSTRONG: Just also, Mr. Commissioner, before Mr. Sookram begins, I would just like to underscore, because I was given these medical reports as counsel to you, sir, and in the same report, I think it's important to emphasize the conclusion of the doctor at the end, in fairness, because I don't think any of the descriptions that were being placed on Mr. Johnson's liver function could appropriately be placed in view of this recent report which concludes with saying "At present, there is no evidence that Ben has obvious liver disease, however possible changes in liver function should be monitored in view of Ben's mildly increased serum GGT level," and I think that, in fairness, has to be made.

15
20
25

THE COMMISSIONER: We have them now. These will be marked. The April the 10th report will be marked as Exhibit A For Identification. And Exhibit B, May 23rd, Exhibit B For Identification. These are not yet exhibits, Mr. Registrar. All right, Mr. Sookram.

--- EXHIBIT A FOR IDENTIFICATION: Ben Johnson medical report dated April 10, 1988.

--- EXHIBIT B FOR IDENTIFICATION: Ben Johnson medical report dated May 23, 1988.

RE DIRECT EXAMINATION BY MR. SOOKRAM:

Q. Yes. Doctor Astaphan, there might still be some lingering doubts because it was never explained to us why the East German came to you to get the vitamin mixture that you supplied to him.

A. The athlete whom he came to see in Montreal had obtained the vitamin mixes from me previously, and they used this when they were travelling, and he had supplied him with one or two bottles of the vitamin mixture when they were in Europe. When he came here, he thought he could obtain a supply from the

Canadian athlete. The Canadian athlete only had sufficient for himself and that is why he introduced me to the East German.

5 Q. At that time when the East German came to get your supply of these vitamins, could he not have got it in the open market?

A. No, he could not.

Q. Why not?

10 A. Because I was the only person making that mixture.

Q. You never told anybody about the composition of your mixture?

A. Not the ratios, no. Just what was in it.

15 Q. And when he offered you that substance in exchange, the Furazabol, did you know anything about Furazabol at the time?

A. No, I never heard of it.

20 Q. And how long after did you actually introduce the Furazabol to your athletes?

THE COMMISSIONER: I think he told us it was some months later.

THE WITNESS: About four months later.

MR. SOOKRAM:

25 Q. Thank you, sir. In the meantime, you

had studied up something on it?

A. Yes, I did.

Q. The question was asked, Doctor, and we didn't get a full answer from you. Why did you not have this substance analyzed? Did you have any doubts?

A. No, I didn't. And, A, it would have been extremely costly and, B, I didn't know of any other labs but the IOC labs that would test it.

Q. Did you inquire as to what the cost is likely to be?

A. To have it tested?

Q. Yes.

A. Many, many thousands of dollars.

Q. And the club didn't have that kind of money at the time?

A. No, neither did I.

Q. And had you heard anything about the use of this particular substance apart from hearsay? Had you had any definite information that it works or that it worked at that time?

A. Yes, I did.

Q. How come?

A. In speaking with numerous people who knew of it and the effects of it and side-effects thereof.

Q. Had you actually seen the East German

athletes in action?

A. Yes, I did.

THE COMMISSIONER: Did you see them take
this Estragol?

5 THE WITNESS: Did I see them?

THE COMMISSIONER: Yes.

THE WITNESS: No, sir.

THE COMMISSIONER: It wouldn't be a secret
then if everybody knew about it in Europe.

10 THE WITNESS: I didn't say everybody knew
about it in Europe. I didn't say that.

THE COMMISSIONER: In East Germany, is that
the only place?

THE WITNESS: That I know of, yes.

15 THE COMMISSIONER: But you told us it was
made by Daiichi of Japan.

THE WITNESS: Yes, it was made by Daiichi
in Japan as a treatment for arteriosclerosis and high
cholesterol and low density lipo protein treatment.

20

MR. SOOKRAM:

Q. Doctor, some emphasis was placed on the
fact that you did not actually warn the athletes. You did
not try to dissuade, not warn. You did not try to dissuade
25 the athletes from taking steroids. Do you want to tell

the Commission how you felt about it at the time?

5 A. Once you have explained the effects and side-effects of these medications with the athletes, even though quite a few of them did not go on any programs, the once who did were the ones who insisted they would go on the programs, and they had been warned, they had been advised and they had been counselled, and they insisted that they were going to go on programs whether I advised them or not.

10 THE COMMISSIONER: But you were a doctor, and you were giving them--you were helping them. You were giving them a sense of security. It wasn't just medication, but you were encouraging them, Doctor, and giving them comfort. You were a doctor. They must have
15 thought it would be all right if a doctor was helping us do this.

 THE WITNESS: No, I don't think so, sir. It was the fact that they were coming to a doctor who understood them.

20 THE COMMISSIONER: But you weren't concerned about the ethical matters, the bad example you were setting for them and for yourself?

 THE WITNESS: Yes, that was a concern but that was secondary to their health and wellbeing. Because
25 I stated, as previous evidence has shown, that they would

take it whether or not I gave it to them, and if necessary, they would take it on their own and go and take whatever they wanted to. Some of them did, even after they came to me.

5

MR. SOOKRAM:

Q. And some of them didn't after you had spoken to them?

A. That's right.

10

Q. You didn't positively tell them here don't take this, it's no good for you?

A. Some of them came to me just to discuss anabolic steroids and after the conversation they would leave.

15

THE COMMISSIONER: But you were obtaining these drugs for them on the black market.

THE WITNESS: On occasion, yes.

THE COMMISSIONER: Pardon?

THE WITNESS: On occasion.

20

THE COMMISSIONER: Well, this so-called Estragol came from the black market, did it?

THE WITNESS: Yes.

THE COMMISSIONER: The human growth hormone also from the black market?

25

THE WITNESS: Yes. We figured it would

be--

THE COMMISSIONER: That's going beyond, I would have thought, merely caring for a patient.

THE WITNESS: It was caring for them in
5 more than one respect, sir. One aspect was--

THE COMMISSIONER: It advancing their athletic career, but leading them down the garden path of moral standards and values which could have an effect on their future life.

10 THE WITNESS: They had already been on that path, sir.

MR. SOOKRAM:

Q. Doctor, if I take it to the other
15 extreme, have you ever encouraged any athlete to commence the use of steroids as a performing-enhancing exercise?

A. No.

Q. It was suggested to you, Doctor, that you would have been in trouble with the medical council if you now admit today that you had given athletes stanozolol based on the directives that you have got from the medical council. Would you comment on that? At the time I notice
20 you didn't make any comment.

A. I didn't understand that question.

Q. It was suggested to you that if you now
25

say yes, I gave the athletes stanozolol, you would be in some sort of trouble with the College of Physicians and Surgeons. What is their current guideline? I know you told us before when I was examining you, but you never
5 made a comment at that time.

A. You mean the guidelines in 1983?

Q. The guidelines now too as regards stanozolol.

THE COMMISSIONER: Well, the guidelines
10 today would make it clear, whatever they were before, that you can't given performance-enhancing drugs, drugs to increase athletic performance.

MR. SOOKRAM:

15 Q. Yes, sir. But is it today still taboo, you must not give it?

THE COMMISSIONER: Well, the directive speaks for itself, Mr. Sookram.

MR. SOOKRAM: Very good, sir. The point's
20 taken.

THE COMMISSIONER: All right.

MR. SOOKRAM:

Q. It was suggested, Doctor, that the
25 steroids was the only contribution. It wasn't suggested



very clearly, but it was suggested as the reason, the main reason for the success of the athletes that you supervised from the master team.

A. That's not true at all.

5

Q. Go on. Comment on it.

A. You know, a major part was the physical aspect, rehabilitation and prevention of injuries, and also that we had them as much as possible on proper dietary intakes and nutritional supplements.

10

Q. Dietary intakes and supplements?

A. Yes.

Q. Yes, I noticed that when Ms.

Issajenko's protocol was read out to you, all that was read out were the drugs that you had prescribed. I don't think you need to refer to it because it's there and it has been put in as an exhibit.

15

THE COMMISSIONER: No, at the bottom of that is the whole diet as well.

20

25

Q. Yes, but it was never read out into the record. You did put her on specific diet, specific vitamins, as well?

A. Yes, I did.

5 Q. Not just the drugs? It was a complete protocol?

A. Yes, sir.

Q. And you did that for each of the athletes at that time?

10 A. Under my supervision, yes.

Q. Yes. So it wasn't just a question of loading them up with steroids?

A. That's right.

Q. You were looking after their health?

15 A. Yes, I was.

Q. Now, as a doctor who had been involved with sports medicine for some time, would you say, sir, that athletes are more prone to physical injuries than people like myself who go about from one courtroom to another?

20

A. Yes.

THE COMMISSIONER: Well, you can be injured in a courtroom, too, sometimes.

MR. SOOKRAM: Yes. I was nearly the victim of a bombing in England, at the Old Bailey, which nearly

25

decapitated another lawyer.

THE COMMISSIONER: Was he on your side?

MR. SOOKRAM: He was on the opposite side.

5

MR. SOOKRAM:

Q. Could you tell us, doctor, about some of these -- not too long, just briefly -- some of the types of injuries that athletes are prone to that we, as ordinary mortals, are not prone to?

10

A. Well, they're prone to very frequent strains, sprains, muscle tearing and joint dyskinesia.

Q. This was the sort of thing you were treating?

A. Yes.

15

Q. Now, how often do these athletes go on a steroid program?

THE COMMISSIONER: I think we heard it was a total of told about 14 weeks of the year if you follow through the full cycle.

20

THE WITNESS: Yes, it would be -- it would be -- depending on the schedule, usually three -- usually three cycles.

MR. SOOKRAM:

25

Q. Three cycles?

Q. Yes.

Q. The spring training session, the one before Christmas?

A. Well, it depends on when the schedules are.

THE COMMISSIONER: It depends when the competition is?

THE WITNESS: But, it's usually three.

MR. SOOKRAM:

Q. But, at most, 14 weeks per year?

A. Yes.

Q. So the other 38 weeks they were not on steroids at all?

THE COMMISSIONER: That's assuming that they're following the protocol.

MR. SOOKRAM:

Q. Yes, sir. Assuming that they're following the protocol, they would not be on steroids for 38 weeks?

A. Yes.

Q. Unless, of course, they were taking some of it themselves?

A. Yes.

Q. And we've had some evidence that some athletes were taking their own potions?

A. Yes.

Q. Doctor, could you have exercised any control over those athletes who went out on their own and bought steroids?

A. No, we tried but it didn't work.

Q. In what way did you try?

A. Well, we spoke to them that, you know, they were going to take stuff that, (a) would interfere with the program they were on and (b) would damage them possibly and (c) that they would get caught on.

THE COMMISSIONER: Who are them, by the way? Who are them?

THE WITNESS: Well, the whole group but specifically Angie. Or particularly, not specifically.

MR. SOOKRAM: Just so that I feel happy in my own mind and perhaps the Commissioner will indulge me in this.

THE COMMISSIONER: Well, that would be helpful but not necessary for the proceedings.

MR. SOOKRAM:

Q. I'd like to go back to Mr. Steen. We've talked about this over and over and do I understand

it, sir, that you are now certain that Mr. Steen was never, ever given any steroids by you?

A. To the best of my recollection, I never gave Dave Steen any steroids.

5 MR. SOOKRAM: I thank you very much, sir.
Those are all my questions.

THE COMMISSIONER: Thank you, Mr. Sookram.
Mr. Armstrong?

MR. ARMSTRONG: Thank you, Mr. Commissioner.

10 MR. ARMSTRONG:

Q. There was one matter, Mr. -- sorry, Dr.

Astaphan, that I wanted to clarify in relation to the telephone calls in January of 1988 with Mr. Ben Johnson, Mr. Pavoni, Ms. Issajenko and Charlie Francis and I had overlooked this when we put the tape of the telephone calls in and I want to confirm, first of all, that the telephone calls that were played on the tape here, that that tape is the tape -- is a complete tape of those telephone calls?

15

20 A. Yes, sir.

Q. Apart from the fact that we edited ourselves here, in taking out a small portion of the Charlie Francis conversation, it related to a completely personal matter, there was no editing done by you and that's an exact copy of the original tape that you played?

25

A. Yes, it is.

Q. All right. And then the voices that were heard on the tape, it was I, really, who identified them which would be an inappropriate manner of identifying them and I just want to confirm that the first voice that answered when you phoned Ben Johnson's house, it appears on the tape, that is the voice of Mark McKoy, is it?

5

A. Yes, it is , sir.

Q. And then when I said you were speaking with Ben Johnson, that indeed was Ben Johnson?

10

A. Yes, sir.

Q. And then the next call was to the Novotel Hotel and there is a voice of, I believe, some receptionist at the Novotel when you asked for Mr. Francesco's -- or Mr. Pavoni's room?

15

A. Yes, it was a switchboard operator at the Novotel, I think.

Q. All right. And then the person you then spoke to, that was Pier-Francesco Pavoni, was it?

20

A. Yes, sir.

Q. Then I identified, as the tape moved along, the voice of Angella Issajenko and can you confirm that indeed that was Angella Issajenko with whom you spoke?

25

A. Yes, it was.

Q. And finally, was it Charlie Francis, the last voice on the tape?

A. Yes, sir.

Q. All right, thank you.

5 THE COMMISSIONER: You've heard the tape, doctor?

THE WITNESS: Yes, sir.

THE COMMISSIONER: And is that the conversation you had with them at that time?

10 THE WITNESS: Yes, sir.

MR. SOOKRAM: If it is of any help, sir, I have the original and I can hand it over to the Commissioner's counsel.

THE COMMISSIONER: Thank you.

15 MR. ARMSTRONG:

Q. You mentioned yesterday in passing, during the course of your evidence and a couple of -- a question asked you by Mr. Futerman that I believe you received a telephone call or you made a telephone call to Ben Johnson after the famous meeting at Mr. Azam's farm?

20 A. Yes, sir.

Q. What did you mean by that? Where was Mr. -- who is Mr. Azam?

25 A. Mr. Azam is a Jamaican, originally --

he lives in Toronto -- has become quite successful and has a farm up north. He somehow became, subsequent to our return from Seoul, quite influential on Ben.

5 Q. All right. And the famous meeting that you referred to is the meeting that took place when Mr. Johnson provided the statement to the Toronto Sun to the effect that he never knowingly took illegal drugs and then gave a subsequent interview to Mr. Gross in which he said he had never took any banned substances. Is that the
10 meeting you're referring to?

A. I think so, yes.

Q. All right. Then there was a part of your evidence that I apologize, I didn't quite --

15 THE COMMISSIONER: Were you present when that -- was Mr. Gross there then or was this before the meeting?

THE WITNESS: Oh, I wasn't there, sir. Ben told me that he was going up north on the farm for a private meeting.

20 MR. ARMSTRONG:

Q. And it was after he got back that you spoke with him?

A. Yes, about two days later.

25 Q. I see. And in any event, the meeting

that he said he was going to, the private meeting up at a farm you realized it was that meeting at which he had made those public statements?

A. Yes, sir.

5 Q. All right. Then I wasn't clear from your evidence yesterday and perhaps it was only I who was unclear but indeed, did Ben Johnson, to your knowledge, have some bottle containing some substance or some drug that did have a label on it that said not to be taken 28
10 days before competition or words to that effect?

A. Yes. That was -- the one that I remember was one that contained a bottle of pills which subsequently turned out to be something called Veralinova which is a -- I think it's a mixture of a bunch of herbs
15 and some form of testosterone with a plant or not, I don't know.

And I said, on the other hand, that if at all there was anything written on the bottle, it would have been a bottle for them to share when they travelling and that they were not going to be ---
20

THE COMMISSIONER: Where was that obtained?

THE WITNESS: Which one, sir?

THE COMMISSIONER: That bottle that you're speaking of. Did you obtain that for them, that has the testosterone in it, too, thought?
25

THE WITNESS: No -- well, I found out later because I never heard of the drug before but I found out later that it was something called Veralinova which had in it a bunch of herbal mixtures and all that.

5 THE COMMISSIONER: Do you know how Mr. Johnson got it or did he ever tell you?

THE WITNESS: No, no.

MR. ARMSTRONG:

10 Q. And did -- and I take it, just to clarify it, that it did have such a label on it that said something like not to be taken 28 days before competition?

A. Yes.

15 Q. And you don't know who put that label on there or whose handwriting it was.

A. No, no, I would have put it on that bottle of Veralinova.

Q. Oh, I see.

20 A. Because I wasn't sure it was -- what was in it.

THE COMMISSIONER: But, it was a steroid that you didn't want him to take before a meet?

THE WITNESS: Well, no, I didn't know what was the mixture, so I figured just for safety sake.

25 THE COMMISSIONER: I see.

THE WITNESS: Because I had no idea what was in it until months later.

THE COMMISSIONER: You heard later it was a steroid?

5 THE WITNESS: Yes, sir. Well, it's supposed to be. I really -- I can't say definitely.

THE COMMISSIONER: I see.

THE WITNESS: It's supposed to be.

10 MR. ARMSTRONG:

Q. All right. In the course of questions asked to you by other counsel and I apologize, I didn't make a note of who was asking this particular question -- it may well have been Mr. Sookram, I think it was -- but
15 you said that the meet promoters in track and field, you assume they knew about the fact that athletes at the elite level use steroids -- I'm paraphrasing, I apologize, your evidence -- but let me just ask you this.

From your experience over the period from
20 '84 to '88, did it become part of the knowledge that was imparted to you by others that indeed certain meet promoters would afford preferential treatment to elite athletes in terms of testing or not testing them if they agreed to attend their meets? Was that sort of a common
25 view held in the sport of track and field?

A. Yes, sir.

Q. And I take it, doctor, that the common view was that in some circumstances that if a particular elite athlete would agreed to attend a meet, the meet promoter would take whatever steps were necessary to ensure that that athlete was not tested?

A. Yes, it was unconditional on him appearing or his appearing was conditional on certain steps being taken.

Q. All right. Now, you have sworn in evidence both today and on Monday that you certainly never gave Dave Steen any banned drugs, any steroids and indeed you have told me that before, particularly when Ms. Chown and I met with you last March, since Dave Steen is likely to testify and since the subject of Dave Steen has come up, I want to ask you some questions about Dave Steen.

He apparently was in St. Kitts in the period from the end of November to about the 20th of December, 1988, is that so?

A. Yes, he was.

Q. And his wife, Andrea Steen, as well as having been a track athlete is a medical student?

A. She was. I think she's a qualified MD now.

Q. All right. And in December of 1988,

she was a medical student at McMaster where a part of her training involved doing electives virtually anywhere in the world with physicians, is that not so?

A. Yes, yes.

5

Q. And, as I understand it, an arrangement was made in December of '88 for her to do an elective in St. Kitts and for ---

A. '87.

10

15

20

25

THE COMMISSIONER: May I see Mr. Nunn for a minute. Just give me a minute.

THE WITNESS: December '87, I saw her.

MR. ARMSTRONG: I am sorry, I said '88, I
5 meant '87.

THE COMMISSIONER: Go ahead, I am sorry, I just wanted to get a document.

MR. ARMSTRONG:

10 Q. All right. And an arrangement was then made that she would do her elective or one of her electives --

THE COMMISSIONER: What year is this?

MR. ARMSTRONG: December 1987.

15 THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. -- in St. Kitts in your practice, is that so?

20 A. Yes, sir.

Q. And at the same time this afforded Dave Steen with the opportunity of going to the south to a warm-weather area in the time of the Canadian winter to do some training in St. Kitts?

25 A. Yes.

Q. And, indeed, I understand that they went down there, and he trained both on the beach and on the golf course, and Andrea Steen did whatever one does in connection with pursuing her elective and assisting you in your practice?

5

A. Yes, sir.

Q. You have told me before and your evidence on Monday and today confirms that you certainly did not give Dave Steen any steroids or any banned substances while he was in St. Kitts at that time or, indeed, at any time?

10

A. Yes.

Q. All right. Was there an occasion when indeed at Dave Steen's hotel you did give him some substance in an envelope. And can you tell us about that?

15

A. Yes. He told me that he had forgotten his bottle, which was a vitamin B mixtures in Canada and he was out of it. So, in the evening --

Q. Let me just stop you there. We have had heard, of course -- sorry to interrupt you, but I just want to underscore that we have heard, of course, that you have provided vitamin B mixtures to a number of athletes?

20

A. Yes.

Q. Indeed, vitamin B is something that

25

most, if not all, athletes seem to take and is clearly not banned?

A. Yes.

Q. Sorry to interrupt.

5

A. So, we went over -- we were going to have supper in the evening at the hotel. And we went over in -- and I met Dave and his wife in the lobby. As a matter of fact, my wife was with them.

10

And I gave him an envelope with a, I think it was a 10-cc bottle of the vitamin mixture-Inosine concentrate. And he asked what was it. And I said, it's a present, mainly because I had given Dave all of the previous things as presents.

15

And I think a day or two later when Andrea came in she brought it in and said that they had discussed it and David decided that he didn't want to take it. And I asked why. And she said because of the color. And I said, Andrea, it's a vitamin mixture, as you can smell and see, because she had apparently withdrawn some. I said it is a concentrate, that's why it's darker than the regular one that he got. And she gave me the bottle and that was the last of it.

20

Q. Was there either at that time or some other time within a few days after that some discussion between you and Dave Steen about that bottle?

25

A. Yes. I explained to him, I didn't want Dave to have any fears because I had never had anything untoward happen between Dave and myself before, I explained to him what was in the bottle.

5 Q. I take it that he thought perhaps you were giving him something that was a banned substance, and you were clearly -- you are clearly on record as that that was not the case?

A. No, I didn't -- no.

10 Q. And indeed you got the bottle back from him?

A. Yes, sir. Andrea brought it back into the office and left it there.

15 Q. Did you ever suggest to Dave Steen or Andrea Steen that indeed you had the group or any of the athletes on a substance that was stronger than vitamin B-12 and that was a Winstrol derivative?

20 A. No, sir. I didn't, not Winstrol. I didn't suggest it to them. They knew that the group was on anabolic steroids.

25 Q. The color of this substance, you say it was darker. Is it possible that indeed it might have been a lighter color than the ordinary Inosine? What color was it in relation to ordinary Inosine? We have heard Inosine is red?

A. It's fairly dark. It's a dark concentrate.

Q. Inosine is?

A. No. Inosine is redish, but when mixed
5 with the various vitamin B's in that concentration, it gets a little bit dark.

Q. Now, and, of course, Dave Steen had that substance which is not banned. The substance that you had given to him in this bottle that night, was it a
10 pinky color or a lighter color than he had received?

A. No. Well, it is -- it is not really red as Inosine or vitamin B mixtures usually are. It is a dark -- it is almost a brown with a red background. I don't know, I am not real good on colors, but it is not
15 pink.

Q. In any event, I take it you did not tell Dave Steen then or at any time that the stuff you had given him was stronger than vitamin B 12?

A. Yes, I told him it was a strong
20 concentrate of the vitamin B mixtures.

Q. You didn't tell him then it was a steroid or that it was a steroid derivative or a Winstrol derivative or anything like that?

A. No, sir. As a matter of fact, I
25 assured him it wouldn't be.

Q. Did you subsequently in January of 1988 meet Dave Steen outside Maple Leaf Gardens just prior to the Toronto Sun Games commencing?

A. Yes.

5 Q. That was, we know on the evidence, January 29, 1988. He was with his wife Andrea?

A. Yes, sir.

Q. Did you have some conversation with him at that time?

10 A. Yes, we exchanged the usual greetings because we were fairly good acquaintances. And then he asked me why was I so pacing up and down. And I said I couldn't find any tickets, Charlie was supposed to have bought tickets to me and he got there earlier and I went
15 through a different section -- went to a different section, and I had no tickets to get in.

Then Dave says, oh, we heard about you being offered a tremendous amount of money by Sports Illustrated for an article. I said yes, I was offered by a lady who
20 said she was from Sports Illustrated who -- quite a lot the money, to do an article, but that was since a few days subsequent to Ben's breaking the record in Rome.

I told that lady no. And we subsequently found out she was what's called a freelance journalist who
25 would get -- get articles or copy or whatever it is and

sell it to magazines.

And then we discussed it further. And I said, yes, but one of these days they are going to offer somebody else in the group a lot of money to spill the beans and the "S" will hit the fan.

Q. I see. Was there any discussion about Angella Issajenko and the program that she was on at the time?

THE COMMISSIONER: I am sorry, what date was this? I was reading something and I missed the date.

MR. ARMSTRONG: January 29, 1988.

THE COMMISSIONER: Thank you.

THE WITNESS: Yes, we discussed the program that I had put her on which was completely nutritional, including the steak tartar that was so commonly written about in the newspapers.

And I told him the different vitamins, amino acids, et cetera. Then we got discussing back to the program I thought she was on, not naming anything specific, but I said -- David commented that she looked really bulky and slow in the last couple of races. And I said, yes, it looks to me as though like she had been screwing around with her protocol.

Q. Did you make any suggestion that maybe you thought Charlie Francis had messed up her program and

had perhaps given her too much of whatever?

A. No, sir, Angie didn't need Charlie to mess up her program. She was adequate at doing that.

Q. Was there any discussion with Dave Steen in connection with -- particular I draw to your attention the comment about the Sports Illustrated article and so on that you were upset yourself that you were not getting sufficient recognition and should that not change particularly since --- should it not change that day or that night or after that day or that night, that you were going to go to the press yourself?

A. No. If Dave got that impression, I don't know why he would get it.

Q. In your discussion with him about the Sports Illustrated, or, sorry, in your conversation with him about Angella Issajenko, did you tell him that you thought Angella Issajenko was going to break a new world record that night?

A. Yes.

Q. Then you mentioned - I am moving along now to another subject that occurred during the course of your examination by other lawyers, Dr. Astaphan.

You mentioned that Ben Johnson was training on Furazabol prior to Rome and that he took it within 14 days of Rome?

A. Yes, either 14 or 17 days; I think it was 14.

Q. I know you were in Rome from the evidence, but were you up here in Toronto in July-August of '87?

A. No.

Q. How did you know that?

A. He told me that he had received a shot.

Q. Because we have had the evidence of Mr. Francis that the last time he would have taken any of the so-called Estragol or Furazabol would have been in early July of 1987?

A. No. When I got to Rome, Ben -- we sat down and discussed, you know, what was going on. And he told me he had taken a shot. I am not sure of the date, it is either 14 or 17, but I think it was 14 days.

Q. All right. Who was the person who passed the drug test with Furazabol within 11 days, you mentioned that?

A. That was one of the East Germans. As a matter of fact, one of them supposedly passed a test within three days.

Q. Now, you mentioned to either Mr. Sookram or somebody else, and I believe it was Mr. Sookram, that Steve Brisbois was one of your suppliers?

A. Yes, sir.

Q. He, of course, you knew didn't obtain the drugs that he got on the regular pharmaceutical market, used the some neutral terminology, you knew that?

5

A. Yes.

Q. Did you have any -- what sort of confidence did you have that the drugs that he was getting for you were of acceptable quality?

10

A. Because Steve knew enough that he wouldn't obtain anything for himself that hadn't been, you know, tested in the street. And I expected he would get proper stuff for me.

15

Q. And I take it that apart from seeing the results of whatever you got from him, after they were given to the athletes you didn't yourself do any independent testing or quality checking of the drugs you got from him?

20

A. No, sir. I only obtained stuff on a few occasions. You know, I think we should bear in mind that these athletes, you know, all obtained their own supplies and usually brought them to me.

25

Q. I understand. And I take it in fairness to you that the type of stuff you got from Brisbois was mostly growth hormone, was it?

A. Yes. Well, when he did bring it.

Q. All right. Then you mentioned in your evidence to Mr. Sookram in response to questions from him that on the night of or early morning hours of September 26th-27th -- 27th, in the hotel room in Seoul, that a
5 coverup was discussed. And that part of the plan for this coverup was that Ben and the rest of you would deny that he was involved in steroids until things settled down and then some arrangement would be made later for a public statement to be made by you, Ben, Mark McKoy, Charlie
10 Francis and others. Is that what I understand your evidence to be?

A. Yes. That was on the Tuesday morning, I don't know the date. I don't remember the date.

Q. Well, it's easy to work out. The world
15 record gold medal was Saturday the 24th. So, it goes Sunday the 25th, Monday the 26th, and it was late Monday night or early Tuesday morning?

A. Yes. Was it the 24th in Seoul or
20 Toronto. It was the Tuesday morning in Seoul, whatever day that was.

Q. Well, I was using the Seoul date one.

In any event, I take it that your appearance on The Journal, in fact, was consistent with that immediate plan that there would be a denial for the time being and then
5 when things stettled down, a different approach would be taken.

A. Yes, my appearance on The Journal was arranged in a hotel up on the 400 and I think it's Finch. I think it's called the Relax Inn or something where
10 Charlie Francis had a room. Charlie, Russ and myself, charlie's fiance--no, his wife and my wife were there and I don't know. It could have been somebody else. I don't know. Those I remember.

Apparently she, Mrs. Frum or somebody from
15 The Journal had phoned Russ and told him that they had got a telefaxed copy of a Sports Illustrated article which was not supposed to come out until the next day, and I think they couriered a copy to him. They had couriered a copy to him. We looked over it and we thought at that time
20 that it would be best to go and at least discuss the article, which is what we were supposed to discuss, and still keep the cover.

Q. All right, and was Ben Johnson aware of the fact that you were going to appear on The Journal and
25 take the position that you did?

A. No, I didn't speak to him, but I think Mr. Earl had spoken to him.

Q. All right. Then you mentioned--you testified on Monday in response to questions from Mr. Sookram that the various bottles that you looked at here that are exhibits containing the different numbers on the bottoms, that you said, and I'm going to ask you a few more questions about this, but one of the things you did say was that you could get a mixed batch of bottles like those from any one of the drug suppliers in Toronto, and that being so, why could you not similarly get a mixed batch of those bottles from a supplier from East Germany? I didn't quite see the logic in what it was you were saying.

A. No, what I said when I was asked, could a batch with different numbers be obtained on the black market like that and I said yes.

Q. And of course when you were buying from the East German, you were buying on the black market, and it's just as likely that you would get a mixed batch from him; isn't that so?

A. I guess remotely so, yes.

Q. Could I just see 117 B and 151. Sorry, I apologize. Once again, I overlooked getting this out before. Now, 117 B is a bottle of--no longer a bottle of,

but it's a bottle obtained from Winthrop with a Winthrop label on it, and on the label you'll see that there is an expiry date on this particular bottle of April 1993, and immediately above the expiry date is the letter "L" and the number 104DD. That's the lot number of that drug in that bottle; isn't that right?

A. It appears so.

Q. And similarly, on Exhibit 151, we've got the same expiry date and the same lot number. Obviously the drug contained in this bottle obtained from Sterling Drugs came from the same lot, and that's the lot number on that bottle; isn't that so?

A. Yes.

Q. And you referred the other day in your evidence to questions asked of you by--

THE COMMISSIONER: I think you thought the lot number was the coded, the bottle code I think. You thought that---

THE WITNESS: That's what I thought it was.

THE COMMISSIONER: Well that's not the code, that's the mould that the bolt manufacturer puts on the bottle.

THE WITNESS: I understand that now, yes.

MR. ARMSTRONG:

Q. Okay, and I was just--and my understanding, Dr. Astaphan, is that the bottle manufacturer that makes these bottles has a mould that's a bit like a muffin tin or a cookie cutter or something and each cavity in the mould has got a number, and so that if anything goes wrong with these bottles, the drug supplier can phone and say well, we're having trouble with a bottle that's got cavity number K15 on it, and would you check that, and that's what that number refers to.

A. Well, I didn't know that.

Q. And you testified, Dr. Astaphan, in response to a question asked of you by Mr. McMurtry that there would be absolutely no rational purpose for Charlie Francis to substitute the anabolic steroids that he got from you with other anabolic steroids, and I just want to make it clear that I assume that that would also apply to Angella Issajenko.

A. Mr. McMurtry asked me about Charlie here and I answered him about Charlie.

Q. Well I'm asking you now about Angella Issajenko. Is there some rational reason--

THE COMMISSIONER: Before we get to that, you know that Mr. Francis has said that from the time you left in '86 to '88, he was administering the drug from the supply you gave him. You know that.

THE WITNESS: Yes.

THE COMMISSIONER: And he says he gave the same supply to Ms. Issajenko.

THE WITNESS: Yes. I know Charlie--

5 THE COMMISSIONER: Now, Mr. Armstrong, are you suggesting that somehow in '88, Ms. Issajenko substituted a different drug?

THE WITNESS: I did not call anybody's name, sir, but I am suggesting that the drug was
10 substituted somewhere.

THE COMMISSIONER: Well, if it's not Mr. Francis, it's probably Ms. Issajenko because we have the drugs from her. Why would she do that? You're the one that was prescribing the drug. They relied on you and had
15 a great deal of confidence in you. Why would they go elsewhere?

THE WITNESS: Why would they do that?

THE COMMISSIONER: Well, what you are saying somehow is that we know from Mr. Francis that he
20 was administering the drug to all the athletes, including Mr. Johnson, from the supply you gave him.

THE WITNESS: Yes.

THE COMMISSIONER: And the only reason why he transferred some of the bottles to Ms. Issajenko was
25 for security.

THE WITNESS: All the bottles, he said, sir. He said all the bottles she had.

THE COMMISSIONER: He kept one--It doesn't matter. He kept one, I think, in his--

5 THE WITNESS: It does matter in my explanation.

THE COMMISSIONER: Well then he says he gave the bottles. We'll check how many he gave, but whatever he had, he gave to Ms. Issajenko because of
10 security reasons, and when our investigators went to visit her, she handed over the bottles which she had been using herself throughout the whole piece because she had her own supply, and are you saying that somehow she went on the black market and got other drugs?

15 THE WITNESS: I didn't say that, Mr. Commissioner. What I am saying is that at the end of January 1988, Charlie had 24 bottles. We had worked out the whole program whereby they should have had 19 and two-thirds bottles left, if they had followed the program.
20 Take the one off that Charlie kept and that would have been 18 and two-thirds bottles. How come only 12 bottles showed up and only showed up three months after we came back from Seoul and how come they had been taking this stuff since 1985 fall, which is 25 times per cc more as
25 strong as one Winstrol tablet and five 2 milligram

Winstrol tablets had made them cramp up?

THE COMMISSIONER: That's not the question being asked of you.

THE WITNESS: I'm just explaining why I think so.

THE COMMISSIONER: Excuse me, Dr. Astaphan. We have a sworn testimony of Mr. Francis that he was actually administering this drug through that whole period of time that you supplied him with the athletes and they are using it and performing with it well. And then when he transferred the drugs in '88, he says it was the same supply and everybody has looked at it and said that's the same stuff, to use the vernacular. Are you suggesting that Ms. Issajenko then substituted the drugs?

THE WITNESS: What I am suggesting is that in the two years subsequent to my giving them to Charlie, something happened and I don't--

THE COMMISSIONER: The drugs she supplied us are not the drugs she had. Is that what you are saying? That must be your explanation.

MR. ARMSTRONG:

Q. I'm sorry, you were going to say that you are suggesting that in the two years from '86 to '88 since you gave the drugs, something happened?

5 A. Yes, somewhere along the line,
something happened. I'm suggesting that they could not
run on 50 milligrams of Winstrol three times a week if 2
milligrams per day for five days made them cramp. That's
what I am suggesting.

THE COMMISSIONER: Well, Mr. Johnson had
his own supply because you gave him that when you gave the
ones to Mr. Francis. You gave him three bottles, you told
us.

10 THE WITNESS: I gave him three bottles in
July or August '86, before I left, yes.

THE COMMISSIONER: And you said it was the
same stuff that you gave Mr. Francis?

15 THE WITNESS: Originally they had the same
stuff.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

20 Q. Well, you said to Mr. Sookram that
there was no way that Ben Johnson would have or should
have tested positive on what he was on, namely Furazabol,
when he tested positive in--it was on September the 24th
because his last shot on your evidence was August 28th,
correct?

25 A. Yes, that I know of, yes.

Q. And you're satisfied that the clearance time maximum is 14 days so on your evidence there is no way--

A. 14 to 17.

5 Q. Yes. I'm sorry, I thought you said 11 to 14 days.

10 A. That was the figures given to us, but when he got the shot in August of '87, I'm not certain if he had got it for 17 or 14 days before. Clearance times are not always the same in everybody. Clearance times have to do with the persons, body's ability to clear a substance out of it, depending on the body fat usually.

15 Q. Well, in any event, he ran in the final on September the 24th, and on your evidence, these 27 days after his last shot of what you believe was Furazabol, correct?

A. Yes.

Q. And so on your evidence, he is beyond the clearance time, as you have it, for Furazabol?

20 A. Yes.

Q. Okay. If, however, Dr. Astaphan, you gave him stanozolol on August 28th rather than Furazabol, he most certainly would have tested positive on September 24th; is that not so?

25 A. If he had received stanozolol, he could

have, yes.

Q. And I take it, in fairness to you, your evidence of course is that you believe he got Furazabol, but you agree if indeed what you gave him was stanozolol on the 28th, he would have tested positive?

A. If he received stanozolol, you can test positive for up to 30 to 35 days.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: Those are all the questions I have. Thank you for your patience, Dr. Astaphan.

MR. SOOKRAM: Sir, I take it that soon we'll be finished with the Doctor and he will be going away. I wonder if this was the right time for Mr. Armstrong to ask the doctor to identify the bottle that he gave to Mr. Steen so that when Mr. Steen comes, we wouldn't have any problem. The other thing, sir, I wonder if there is any other medical that Mr. Futerman intends to introduce so that we can put it to the doctor before he goes or it will be very inconvenient to call him back.

THE COMMISSIONER: Is there any other medical evidence that you are aware of? I didn't know who was being called.

MR. FUTERMAN: There is another report that I--

THE COMMISSIONER: We can clear that with

you.

MR. SOOKRAM: Yes, we might as well clear it before the doctor goes.

5 THE COMMISSIONER: What is it Mr. Sookram has asked, Mr. Armstrong, for something?

MR. ARMSTRONG: Well, I just at about five to 10 this morning, I didn't know that, in fact, this bottle existed, but Mr. Sookram handed it to me, which I now have a bottle with Dave Steen's name on it, and I was
10 going to, of course, show it to Dave Steen, but if my friend is probably correct, we should have Dr. Astaphan identify it.

THE COMMISSIONER: What is this bottle, Doctor?

15 THE WITNESS: That's the bottle that was given to Dave Steen in the white envelope.

THE COMMISSIONER: I see. The doctor says that's the one that Mr. Steen gave back to you that you gave to him?

20 THE WITNESS: That his wife brought back to me, yes.

MR. ARMSTRONG: Well, I had better have it. This is a brown bottle that has a white label on it with your name stamped on the label, Dr. G.M. Astaphan, Post
25 Office Box 168, Basseterre, St. Kitts, West Indies, and

then the name David Steen, shake well, 1 cc IM three times daily, three times a week.

THE COMMISSIONER: Is that your writing?

THE WITNESS: Yes, it is, sir. And it's
5 dated the 4th of December, 1987.

RE EXAMINATION BY MR. ARMSTRONG:

Q. And that is the bottle that you gave to
Dave Steen in a white envelope in the Jack Tarr Village?

10 A. Yes, sir.

Q. Presumably about the 4th of December?

A. Yes, that's the date on it.

Q. Well, perhaps we should have it marked
as an exhibit. I was of course going to show it to Mr.
15 Steen, but let's have it marked now.

THE COMMISSIONER: Well, it goes in anyway,
and he can identify it or not. Make it an exhibit. 191.

---EXHIBIT NO. 191: Brown bottle given to Dave Steen in a
20 white envelope from Dr. Astaphan.
on December 4th, 1987.

THE COMMISSIONER: That's the end of the
questioning?

25 MR. ARMSTRONG: That's the end of the

questioning, yes.

MR. BOURQUE: Mr. Commissioner, I have three or four questions arising out of something new developed by Mr. Armstrong just now. I wonder if I might--

5 THE COMMISSIONER: In relation to what?

MR. BOURQUE: The meet directors.

THE COMMISSIONER: Pardon?

10 THE BOURQUE: The business of the meet directors and the agreements they would enter into with athletes concerning avoidance of drug testing. As you know, my client sanctions meets and is charged with the responsibility of running dope-testing programs.

THE COMMISSIONER: You can ask a few more questions just on that narrow subject.

15 RE CROSS-EXAMINATION BY MR. BOURQUE: Thank you.

20 Q. Dr. Astaphan, If I have your evidence correctly, you have said this morning that there are meet directors who will agree with certain athletes to a condition that the athlete not be tested at a meet in consideration for that athlete's appearance. Do I have that correctly?

A. That's my information, yes.

25 Q. And are these foreign meets or are Canadian meets included?

A. You would have to ask the coaches that because they do the arranging. I don't. I don't know what meets.

5 Q. Well, what is the source of this information?

A. The coaches, I heard them discussing it.

Q. What coaches?

A. One or two Canadian coaches.

10 Q. Which one or two Canadian coaches?

THE COMMISSIONER: Well, in fairness, you should name them and we could check to see whether the information is correct or not, Dr. Astaphan.

15 MR. BOURQUE:

Q. Did Mr. Francis discuss this?

THE COMMISSIONER: I think we've heard some evidence of that before, Mr. Bourque. Some suggestion in fact.

20 MR. BOURQUE: My memory is failing me then, sir. In any event, if he has heard coaches discuss this, I don't know why he can't name them. Certainly coaches aren't threatening your family's security, are they? I don't make light of this situation, but there's no concern
25 there, is there?

THE COMMISSIONER: Where was this discussion, in Canada or elsewhere?

THE WITNESS: Both in Canada and--

THE COMMISSIONER: I think you can name the
5 coaches.

THE WITNESS: Charlie's one and coaches from other countries too. It's not just in Canada, it's all over.

10 MR. BOURQUE:

Q. All right. So Mr. Francis and then coaches from other countries. And I would like you to outline for me, if you can, exactly what steps a meet director can take--

15 THE COMMISSIONER: He doesn't know.

A. I don't know. I have no idea. I told you to go and ask the coach.

THE COMMISSIONER: The difficulty is he said he heard these things. He was never a party to it
20 himself. He never saw them himself.

MR. BOURQUE:

Q. Well I think that's worth eliciting in itself, sir. So you have no idea how a meet director
25 would actually carry out this condition?

A. No.

Q. Thank you. Thank you, sir.

THE COMMISSIONER: All right. We have been
here several days, Dr. Astaphan. You are now free to go
and thank you for your evidence.

THE WITNESS: Thank you.

MR. SOOKRAM: Sir, subject, of course, to
Mr. Futerman providing us with the report which Dr.
Astaphan would like to look at. We may have to ask him to
come back--

THE COMMISSIONER: Is there something else
now or you're not sure?

MR. SOOKRAM: We might as well do it right
now, sir.

THE COMMISSIONER: We will adjourn now.

MR. FUTERMAN: We can discuss it.

THE COMMISSIONER: We'll take our break
now.

MR. SOOKRAM: Thank you, sir.

--- Short adjournment.

--- Commission resumed.

MR. FUTERMAN: Mr. Commissioner, I'm pleased
to advise that Mr. Sookram and I have resolved this.

THE COMMISSIONER: Oh, good. Thank you very much. Thank you, Mr. Futerman. Mr. Armstrong?

MR. ARMSTRONG: Yes, thank you, Mr. Commissioner. My next witness is Mr. John Davis. Mr. Davies, would just take the oath there, please.

JOHN DAVIES: Sworn

EXAMINATION BY MR. ARMSTRONG:

Q. Yes, Mr. Davies, you are from Toronto and attended high school here at Earl Haig Collegiate?

A. Yes, sir.

Q. And I understand that while at high school, you were a high school football player?

A. Yes, sir.

Q. And I understand you then after graduating from high school in 1986, you attended Seneca College for a brief period of time and then found your way to Acadia University where you played quarterback for the Acadia University football team during the 1981 season; is that correct?

A. Yes, sir.

Q. And after the 1981 season, you had originally planned to return to Acadia but did not, and then in 1982, did you play football?

A. No, in 1982, after deciding not to

return to Acadia University, myself and--I didn't return to school generally due to the timing of my decision not to return to Acadia. It was a little too late for admission to most post-secondary schools, and at that time
5 Mike and I, myself and Mike Ryan, Mr. Ryan, had decided to continue training with the possibility of a professional tryout, which didn't materialize at that time, as well as looking forward to returning to university in the following winter, which would be the winter of 1983.

10 Q. All right. And I understand that during the summer months, from time to time there was at least, what, three summers you found your way down to southern California and did some training with junior college football teams in the southern California area?

15 A. Yes, sir.

Q. And in 1983, you attended a training camp at St. Mary's University in Halifax?

A. Yes, sir.

20 Q. And when I say a training camp, I take it that was a training camp related to football?

A. Yes, sir.

Q. And at that training camp, although you were hoping and planning to play football for St. Mary's that year, you suffered a hamstring injury?

25 A. Yes.

Q. And you were not able to play football that fall?

A. No, I was not.

Q. And at that time then you returned to Toronto and attended York University?

A. Yes.

Q. And while at York University, you began a physical training rehabilitation type program at the York University track and field centre; is that correct?

A. Yes, that's correct.

Q. And it was during the course of attending at York University Track and Field Centre for this rehabilitation program that you indeed had an opportunity to meet Charlie Francis and a number of his track and field athletes; is that so?

A. That's correct, sir.

Q. Now I'm going to come back to that in a few minutes, but I wanted before we get to the 1983-'84 period in your association of Mr. Francis and others, I would ask you some questions yourself about the use of anabolic steroids. Prior to 1983, did you, yourself, become involved in an anabolic steroid program?

A. Yes, I had, sir.

Q. Can you tell us about that, please.

A. I believe it was in the spring of 1982,

which would have been for myself after returning to Acadia University. I had decided to embark upon an anabolic steroid program to enhance my training. That would have been in approximately late-May, mid-June period. It's
5 within that spring-summer period. There might be some flexibility. Within that general region of time. As well, prior to August of 1983, while attending the St. Mary's--before attending the St. Mary's training camp, I embarked upon a steroid program as well.

10 Q. Going back to the spring of 1982, can you tell us what was involved in the steroid program? Where did you get the steroids and what steroids it was that you used?

A. The steroids used were a combination of
15 Deca-Durabolin and Winstrol. The Deca-Durabolin was an injectable that was administered once every two weeks for a six-week period, therefore three injections. Winstrol was in a tablet form taken daily. That was taken in--appreciated and depreciated in a pyramid type form
20 where it would be taken at your initial stages, approximately two tablets a day, increasing to three or four tablets by the mid part of the program and then worked down to the original state.

Q. All right. And--

25 A. I'm sorry, that was supplied by a Dr.

Cherry in the Toronto area.

Q. All right. And the injections that you received, did Dr. Cherry administer the injections?

A. Yes, he did, sir.

5 Q. The tablets that you received, were they purchased from a pharmacy?

A. Yes, they were.

10 Q. And when they were purchased from a pharmacy, were they purchased by means of a prescription provided to you by Dr. Cherry?

A. That's correct, sir.

Q. All right. And how was it that you found your way to Dr. Cherry's office?

A. It was a name--

15 THE COMMISSIONER: How do you spell Dr. Cherry? How do you spell the name?

THE WITNESS: To be honest, it's either C-H-E-R-R-I-E or R-R-Y. I'm not sure. It's a doctor whose then office was on Avenue Road north of Bloor.

20

MR. ARMSTRONG:

Q. All right. And, I'm sorry. Then when you went to Dr. Cherry's--or how was it you found your way to Dr. Cherry's office?

25 A. It was a name that I had heard from

athletes commonly used as a supplier, a physician who could supply you with anabolics.

Q. And when you went to his office, did he take any medical history from you?

5 A. No, he did not, sir.

Q. Did he do any physical examination of you?

A. No, sir.

10 Q. And did he refer you to a laboratory for any kind of blood or urine testing?

A. No.

Q. Then--

THE COMMISSIONER: Did you pay for this service?

15 THE WITNESS: I paid for--I directly paid for the injection of the Deca-Durabolin. I cannot honestly comment on whether or not he billed OHIP for a visitation.

20 THE COMMISSIONER: But you got injections and a prescription for the Winstrol?

THE WITNESS: Yes, sir.

MR. ARMSTRONG:

Q. Injections for the Deca-Durabolin--

25 THE COMMISSIONER: And a prescription for

the Winstrol.

MR. ARMSTRONG:

Q. And what, did you pay him for the
5 Deca-Durabolin shots?

A. Yes, sir.

Q. What was that, cash?

A. Yes, it was paid in cash.

Q. Do you recall now how much it was?

10 A. It was approximately \$25 per injection.

Q. Then, Mr. Davies, can you tell me about
the spring of 1983 you say you went on another steroid
program?

A. Yes, I did.

15 Q. And what was involved in that?

A. Once again, I used the Winstrol
obtained from Cherry. It was for a shorter time period,
just due to--I would be entering training camp reasonably
close so I didn't want to be within a large program at
20 that time. So it was for approximately three weeks.

Q. All right. And did that program simply
involve Winstrol?

A. Yes it, did, sir.

Q. It didn't involve any injectables?

25 A. To my best recollection, I don't

believe it did.

Q. So would, I take it, it have involved simply obtaining another prescription from Dr. Cherry?

A. Yes.

5 Q. All right. Then, Mr. Davies, I want to take you to this period in the fall of 1983 and thereafter, you had told me a few minutes ago that you had suffered a hamstring injury when you went to the Saint Mary's University football camp, returned to Toronto, and
10 was it late fall that you began a training and rehabilitation program at the York University Metropolitan Toronto Track and Field Centre?

A. Yes, it was, sir.

Q. All right. And you told me that you
15 became--

THE COMMISSIONER: I'm sorry, was that '84?

MR. ARMSTRONG: Late fall of '83.

THE COMMISSIONER: Thank you.

20 MR. ARMSTRONG:
Q. You told me that you became--that you met Charlie Francis and some of his athletes. How did that arise?

A. Well, originally when I was embarking
25 upon a rehabilitation program,--well, originally it

started as a rehabilitation program. Quickly it emerged
into something else. I began to make reasonably good
strides as far as my recovery. I began training or mixing
in with some of the York athletes, some of the York
5 athletes and the track people. That was over a very short
period of time. There was general training at the same
time, and that would be during the day.

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A. And then very quickly after, when some of the -- let's say athletes -- that were coached by Charlie Francis, I then also began training with them, just once again ---

5 THE COMMISSIONER: At York?

THE WITNESS: Yes, sir.

THE COMMISSIONER: At York Centre.

THE WITNESS: Yes, sir.

10 MR. ARMSTRONG:

Q. All right. And then during the -- what athletes in particular, did you become friendly with?

A. In particular, my closest contacts were with Mike Sokolowski, who I was training on a very regular basis with. As well, I became close with Ben Johnson and, at that time, Angella Taylor, now Angella Issajenko.

Q. All right. And let me just -- before I come back to them, ask you a couple of questions about Charlie Francis. Did he actually provide you with any assistance or supervision in regard to the rehabilitation program that you were on?

A. Yes, he provided me with a great deal of assistance in regards to the type of training measures that should -- I should undertake that would improve my -- improve, let's say, the rehabilitation and, as well, go

25

beyond that.

THE COMMISSIONER: I'm sorry, beyond that?

THE WITNESS: In the rehabilitation. You'll
learn that I quickly found that the rehabilitation was
extremely successful.

THE COMMISSIONER: Right. Now, you're
getting into the training then?

THE WITNESS: That's right.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

Q. Now, did Mr. Francis, from your point
of view, appear to be a particularly knowledgeable coach
or knowledgeable advisor -- I guess he's not your coach --
but he's an advisor in respect of your rehabilitation
program. Did he appear, to you, to be knowledgeable in
respect of the programs that he was suggesting to you?

A. Charlie Francis, in my opinion, is the
most knowledgeable athletic coach that I ever had the
pleasure to work with, unequivocally, yes.

Q. Now, you had the experience of coaching
at the Toronto high school level, coaching at Acadia
University in the Maritimes in football and some, I guess,
brief experience at St. Mary's University in Halifax.
Also, you've had some experience in southern California in

the summer with California junior college coaches, I assume, and when you give that answer about Charlie Francis, does it -- do you take into account the experience that you've had from the variety of coaches that I've just mentioned?

A. Certainly. I feel that I've -- during my athletic "career", I was able to see a variety of different coaches, some who were very well reknowned within their particular groups. And when I was -- when I made the statement of Mr. Francis' abilities, I certainly took those into consideration.

Q. Well now, what can you tell me and the Commissioner, I'm sorry, the Commissioner about the level of complexity or sophistication, if I can put it that way, of the kind of training program that Charlie Francis suggested for you and, indeed, the kind of program that he appeared to have his athletes on?

A. Well, Mr. Francis had the athletes on a -- I don't know if it was previously stated -- on a very complex program that went far beyond what, in say the sport of football, is a very ballistic type measure.

In football, if you can draw the analogy, you're doing exactly - you're trying to be trained on what is exactly done on a field. In other words, if an athlete is to have speed over a 40 yard distance, he will run 40

yard sprints to train and that will be pretty much the context of it.

Whereas the track athlete who maybe expected to run, let's say, 100 metre or a 200 metre sprint, he
5 doesn't dedicate himself in his training solely to those distances. The measure of training goes beyond just what exact event you are in and it also involves a wide spectrum, a different amount of mediums used. The development of power and the ability of sustaining speed.

10 To me, where I was coached by -- when I was coached, the coaches believed that they had a very strong athletic physical fitness basis and, honestly, I believed in that as well or I believed they did.

15 And after being coached by Charlie for what is relatively a short, short period of time, I quickly learned otherwise, that his theories had tremendous results and they allowed an athlete to grow as an athlete to much higher levels.

20 Q. And I understand what you're saying. I was perhaps more interested in what might be the -- what might be considered the level of sophistication or complexity of the training program. And compared to the kind of training program that you had experience say at the college football level both in Canada at the college
25 level and in the U.S. at the junior college level, was the

level of complexity or sophistication of the training of Mr. Francis of indeed a more complex, more sophisticated nature than you had experienced?

A. Yes, it was, sir.

5 Q. And to what extent, if I can ask you this, did Mr. Francis appear to insist that his athletes understood what it was he was telling them to do and why it was he was telling them to do it and what accomplishments he expected to achieve from the program?

10 A. Well, an athlete -- in track and field, I learned that an athlete's training has many phases to it. And within each of these phases, you can almost break it down to a daily level, that there are different things that an athlete does, different exercises and whatnot he
15 does.

The -- a lot of the athletes, I can look at a few of them, when you're training under -- within these theories, you would learn from maybe just positive results, the results you gain of the benefit of certain
20 exercises.

So, the athlete, when undertaking this training program over a period of time, would naturally grow with these exercises and understand what they may accomplish.

25 Q. All right. Now, did you -- when you

trained at York and met Sokolowski and the others,
including Angella Issajenko and Ben Johnson, did you
become friendly with these people on a social basis as
well as simply meeting them at the track and discussing
5 what they were doing and what you were doing?

A. Yes, sir.

Q. And during this -- and I take it, from
your answer, that would apply to Issajenko, Sokolowski?

A. That would apply to all three that you
10 named.

Q. And Ben Johnson, right. Now, did --
and over what period of time did you train at York and
over what period of time were you associated, if I can put
it that way, with these athletes?

A. The period of time would have been from
15 approximately October, November of 1983 until May or
approximately -- or May in 1984.

Q. All right. And did you, at some point
in that time period, become -- during that time period,
20 were you introduced in some way to Dr. Astaphan?

A. I met Dr. Astaphan later on, yes.

Q. All right. And when was that?

A. Dr. Astaphan, I would say approximately
in the late -- in the winter, February, March area of
25 1984.

Q. All right. And what were the circumstances of your meeting Dr. Astaphan?

A. Well, I found that almost contrary to my original goals when I started training at the York Track and Field, which were to rehabilitate my injuries, and very quickly that rehabilitation became into really a full training session.

I was making very strong leaps and bounds within -- you know, it was far beyond just a recovery. I was looking at attempting a possible professional career. Once again, something that I had really considered over with approximately --

THE COMMISSIONER: In football?

THE WITNESS: Yes, sir. Approximately, I guess it would be nine months prior to that, would have been at the time of injury at St. Mary's.

So when I went to Dr. Astaphan, it was still under the belief that -- it was within the belief that an anabolic steroid therapy within my training program would enhance my base athletic skills.

MR. ARMSTRONG:

Q. All right. And who suggested you go to Dr. Astaphan?

A. It was a name that was used quite a bit

amongst athletes in the York Track and Field Centre. To be quite honest, I can't recall whether it was a York athlete -- York University athlete, maybe one of their intercollegiate sports or a member of an outside track athlete. But it would have been -- it was one of the athletes.

Q. All right. And when you went to see Dr. Astaphan then, was there a discussion with him about your going on an anabolic steroid program?

A. Yes, there was, sir.

Q. And did he put you on an anabolic steroid program?

A. Yes, he did.

Q. All right. And what did that entail?

A. Well, in our discussion, when I went to Dr. Astaphan, there was -- there was quite a bit of curiosity in a sense that I had been doing some reading about the aspects of growth hormone with regards to how they may assist in the recovery of soft tissue muscle damage when I discussed with Dr. Astaphan, in some detail, whether or not it would be beneficial to myself to use that.

Now, he had explained to me while there was some theory that growth hormone could assist in the repair of sort tissue muscle damage, that due to the time

requirements, time available to myself within a therapy program, it wouldn't really be very beneficial to myself.

I also discussed with him my injury in the past and I made note that that injury occurred after a short time embarking upon a Winstrol program. He made note of that -- I also made reference that I felt very apprehensive about it, whether or not it would have a maybe similar effect, meaning another injury, and he concluded that -- that max -- another steroid, I believe known as Maxibolin, would not have the same possible negative effects.

As well, I had approximately one or two injections of Deca-Durabolin while visiting Dr. Astaphan.

Q. All right. And how often did you go and see Dr. Astaphan in the 1984 period?

A. I'm sorry, it would have been approximately, once again, to coincide with the injections of Deca-Durabolin, once or twice.

Q. Did he, when you went to see him, did he take what is known as a medical history from you, ask you questions about your health?

A. Yes, he did, sir.

Q. And did he conduct a physical examination of you?

A. Yes, he did.

Q. And did he have blood and urine taken for lab tests to be done?

A. Yes, he did.

Q. And what was your overall impression of Dr. Astaphan in the experience that you had with him?

A. Well, I was very pleasantly surprised. One of the problems in an athlete, when embarking upon a steroid problem, certainly a conscientious athlete is the worries of the side effects or what other possible negative repercussions that this may have for himself or his own self.

When I had seen Dr. Cherry, it bluntly was a very negative situation. You -- his lack of responsibility or medical responsibility towards the patient certainly didn't reduce your worry. While Dr. Astaphan was the complete opposite.

I was astounded that -- that he actually thought that growth hormone wouldn't be beneficial to myself.

Frankly, after going to a doctor such as Dr. Cherry who was pretty much looking at the, I think, the dollar value involved in the anabolics, another doctor who really pushes you away from that was quite astounding. So, I was overall very impressed with Dr. Astaphan.

Q. Right. Now, what -- in your

experience, Mr. Davies, with anabolic steroids, are you able to say from the experiences you had in 1982, '83 and '84, what effect, if any, the taking of the particular steroids in each of those years had on your athletic performance?

A. Well, it certainly enhances -- well, considering that someone is on a strong physical fitness program, it can enhance your athletic skills a great deal. I think a great deal of previous testimony has spent time on, as far the increasing of actual strength, as far as power, but as well, within a proper program, a person can, as well, take that increased power and strength and also push it into increased speed as well.

Q. I take it when you went on - the last program you were on was in 1984 and although you were moving from a rehabilitation training program into perhaps a return to football, you did not return to football?

A. No, I didn't, sir.

Q. And that was then in 1984 was your last experience with actually taking anabolic steroids yourself?

A. Yes, sir.

Q. And during this period of time that you were associated in a training and playing sense with football both in Canada at the college level and in the

United States at the junior college level, did you develop any -- without naming names, any sense of how widespread the use of anabolic steroids was at that time among college football players?

5 A. It was probably directly proportional to the quality of the performance as far as, let's say, within the league. The higher the quality of league, it seemed like, the more the athletes -- a great percentage of the athletes were involved upon an anabolic program.

10 That may be for probably the sole reason that the competitive level virtually implicitly pushed the athlete into an anabolic program. In other words, to survive, you needed it.

 Q. All right. We've heard in track and

15 field that -- oh, to use the vernacular, I'm not sure that any witness put it this way, but I think it's fair to summarize it -- if you want to be number one or you want to be in the medical range that, in some events, the athletes clearly believe that the only alternative is

20 anabolic steroids.

 I take it that some of the same thinking takes over in football, that if you want to succeed at the highest levels of that sport, then anabolic steroids is something that is actively considered and is, in fact,

25 used, from your experience?

A. Unfortunately, that's true, sir.

Probably in football now, at least from my experiences in football, the use of anabolics was enormous, far more than I've seen in any other sport that I can generally recall.

5 Q. All right. Now, I want to take you back to Angella Issajenko and Ben Johnson and Mike Sokolowski and the other athletes associated with Charlie Francis.

10 When you trained at York, did you ever have an opportunity or did the topic of anabolic steroids ever come up in discussions with any of those people?

A. Yes, they had, sir.

Q. Tell us about that, please?

15 A. Well, originally, the -- originally, I believe the track athletes were curious. Curious for the reason that I was probably the only football player that had trained with them in a period of time. Many of the football players spent time within, let's say, the confines of a weight room.

20 I was doing the contrary. I was trying to enhance my speed. So, I was spending more time within the track -- the track portion. I think they were curious, as well, because they naturally had seen or had heard of great amounts of anabolics being used in football. There
25 are notorious stories about football players abusing

anabolic use well beyond probably safety means.

So naturally, the topical question would come up, sometimes in a very light mood. My original conversation, as far as my own personal use, would have
5 been in discussion with Angella Issajenko and Ben Johnson when -- obviously, as well, I had just come over a very serious hamstring injury and to any track and field athlete, a hamstring injury is something to be quite afraid of.

10 I also, and I made reference, that this injury probably took -- happened sometime after I was involved in a program involving Winstrol. When I was mentioning this to them, in some way -- form, Angie and Ben also noted that they had used Winstrol before and they
15 found it was made you extremely tight. That was one of the things that I guess I didn't note while I was on it -- or, I noted while I was on it, but I didn't think of the obvious effect that it did, that being the pulling of the muscle.

20 So they had made reference to, in particular Ben had made reference, that he had used -- that while on Winstrol he also suffered extreme tightness.

Q. And do you recall when that conversation was?

25 THE COMMISSIONER: Was there only one or was

there more than one conversation relating to steroids?

THE WITNESS: I'm sorry, sir?

THE COMMISSIONER: Was there more or just the one relating to steroids?

5 THE WITNESS: There were discussions about it, as far as within the context of what athletes were using. There was always a certain amount of curiosity because when an athlete would embark upon a steroid program, the effects for some people could be very sudden
10 or it could be really a very slow move. So....

THE COMMISSIONER: Was all this discussed among the group of people, is that what you're saying?

THE WITNESS: Yes, it had. There had been times that we discussed about the use.

15 THE COMMISSIONER: I interrupted you. I think you were asked more specifics.

THE WITNESS: The approximate time of that conversation, once again, there is certain amount of latitude in this. This would be approximately, I think,
20 late November 1983, maybe the mid-part of December. But once again --

THE COMMISSIONER: That's actually before you saw Dr. Astaphan, yourself?

25 THE WITNESS: Yes, it had been. At that time, I hadn't -- I had been considering whether or not I

should look at another steroid program.

MR. ARMSTRONG:

Q. All right. And in January of 1984, did
5 you have a gathering at your house to watch the Super
Bowl?

A. Yes, I did.

Q. And in attendance at your house was
Mike Sokolowski, Ben Johnson and your friend Ryan, I
10 forget his first name?

A. Mike Ryan.

Q. Mike Ryan?

A. I'm sorry?

Q. And another individual there?

15 A. Yes, there was a York student.

Q. And when you were gathered at your
house to watch the Super Bowl Game, did the subject of
anabolic steroids come up on that occasion?

A. We had discussed the use. Naturally --
20 you'll have to understand the context at the time. At
that time, Ben hadn't yet, let's say, won a medal,
obviously, in L.A.. He was still, you know, just coming
onto the fore front, we'll say, of the world track scene.
Certainly, I don't think a gold medal would have been, you
25 know, a general topic.

Mike Sokolowski, it was still pretty much -- not necessarily a pipe dream but an outside chance of whether or not he would be able to make the Olympic team. So, he was working at that.

5 Now, within that -- a lot of the athletes, maybe this is why they were very open to both myself and Mr. Ryan, had considered the chances of them playing football, whether after their career or foregoing a track and field career. And when they came over, they were
10 talking about the anabolic uses and steroids and use of anabolic steroids within football players.

 And we were obviously making comments about the uses of anabolics in many of the players on the teams, that myself or Mr. Ryan might have been knowledgeable
15 about. And there was -- there wasn't a explicit discussion as far as, you know, other than Mike or myself -- Mike Ryan or myself saying. I have used this, I have used that. But there was a discussion about
20 anabolics and within -- within the realm of football and as far as the, let's say, the positive effects that it may have.

 Q. And when you were talking about anabolics, how would you refer to these substances? Would it be anabolics, steroids, 'roids? What -- can you
25 remember now what the sort of vernacular of the day was?

A. Actually, there was quite a few different things. A lot of players, athletes used the term 'roids. A lot used juice. There was always a casual joke amongst, in particularly myself, Mike Sokolowski and
5 and Ben about using sort of like the little children's vitamins, the Flintstones. It was sort of your 'get up and go' for the day. So, there was always a casual joke about those.

Q. All right. And I take it, from what
10 you've said then, that -- that apart from the Super Bowl gathering at your house and apart from the time in late December '83, January '84, about the discussion concerning Winstrol and the fact that it made you -- Ben tight and so on, so that there were then other discussions from
15 time-to-time about the use of anabolic steroids?

A. Yes, there was. Especially after, let's say, my commencement of a program. In that time, I was making fairly good strides through -- well, before and through the program, and there were minor discussions as
20 far as -- that would have been more in particular with Mr. Sokolowski at that time, during that, because an athlete who was under an anabolic program, their program -- their athletic program will change drastically.

During an anabolic program, he or she may
25 try to emphasize the power -- a power phase within their

training sessions.

Q. All right. You did tell me before and I'm sorry, I've lost it. How -- when did this training program end, about? You started late -- fall of '83, you
5 went into '84 and ---

A. Approximately May.

THE COMMISSIONER: May of '84.

THE WITNESS: May of '84.

10 MR. ARMSTRONG:

Q. May of '84. And so I just want to have it, Mr. Davies, I take it from what you've been saying that there -- you've identified two particular conversations that you had that involved Ben Johnson in
15 December or January of '83, '84 -- December '83, January '84.

You've identified the Super Bowl in January '84 and when the discussions of steroids came up and I take it -- and then you've said that you and Ben used to
20 joke about taking the vitamin of the day and referring to the steroids as the Flintstones or whatever.

I take it that the subject of steroids did come up on other occasions between you and Ben Johnson when you were up there at York between November of '83 and
25 May of '84?

A. The topic would come up. Certainly as for a football player in Canada, their professional season, training camp starts in May. And many of the York athletes were looking at potential tryouts with CFL teams.

5 Naturally, with tryouts coming a great deal of these athletes who are the ones who are embarking -- some of them would be embarking upon steroids programs and you could see the changes.

10 A lot of the athletes who were using steroids at that time, their programs will be emphasizing more strength phases but strength as opposed to strength just based in the weight room as opposed to power as well in the weight room as well on the track.

15 You could see that the changes in their -- within their characteristics, you know, the overall size and whatnot and when you're training within the centre and you see an athlete and see those abilities changing, you certainly discuss why.

Q. All right. And during ---

20 THE COMMISSIONER: Well, you notice that change yourself of those you're training with, is that what you're saying? You could see the change.

25 THE WITNESS: Well, the people that I was training with, we -- although, if you're on an anabolic program, your athletic -- you know, your course of

training will change.

THE COMMISSIONER: Right.

THE WITNESS: We were still --

THE COMMISSIONER: You were adjusting your
5 program really almost to a track and field type of
training rather than a football training

THE WITNESS: Actually, this is virtually
100 per cent of it. And, so, it was typically different.
If you looked at a football player, he could come in the
10 gym and he would lift weights for X amount of hours and
then if he was, you know, had -- wasn't exhausted, he
would go out on the track and run for you, you know, 15
minutes.

Whereas on the -- the track athletes would
15 spend that two and a half, three hours developing what I
would -- developing speed and power and then they would go
into the weight room. So, it was really a different
stream of thought.

THE COMMISSIONER: But you're commenting
20 that you could notice people you were training with you
could see the changes of them. I think that's what you're
saying?

THE WITNESS: You could see the difference
in changes but I may have misled you in the sense that the
25 changes I noticed, which you could notice most radically,

were, let's say, in the York athletes.

When an athlete embarks upon a steroid program, he virtually limits himself to weightlifting, he obviously is going to have to have been, let's say, a more explosive -- not explosive, the greater size.

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5 A. Now, a track athlete, when he is on an anabolic program, and I am sure you have much more testimony greater qualified than myself, he will within his -- when he embarks upon the program, he will emphasize the speed and the power.

 THE COMMISSIONER: I understand. Not just the physical strength of the upper body?

10 THE WITNESS: You may spend more time in that power phase of a track athlete doing quick explosive sprints.

 THE COMMISSIONER: All right. Sorry, Mr. Armstrong.

 MR. ARMSTRONG:

15 Q. Mr. Davies, you mentioned a few minutes ago that Ben Johnson commented about the effect that Winstrol had on him during this discussion in late December '83 or January of '84.

20 During other discussions that you had with Ben Johnson during this period, did you come to the conclusion that he and the other athletes indeed were on an anabolic steroid program during the times that -- during the period of time that you were training up there?

25 A. I came under the understanding that these athletes had used steroids and had considered them a

part of their training -- a part of their training session. Whether or not in one particular phase that they were involved on anabolics, as far as what they were taking, and the exact and the exact amounts, I wasn't
5 aware of.

Q. I understand.

A. But what I was aware of explicitly was when I was discussing the use of Winstrol when Mr. Johnson and Ms. Issajenko commented that upon, you know, taking
10 Winstrol, they would be extremely tight. And would --

THE COMMISSIONER: Were there any other drugs mentioned then if Winstrol was not satisfactory? Did you discuss any of the others that would not cause the same problem?

15 THE WITNESS: No. I hadn't discussed with the fact of what would, you know, or would not have those problems.

THE COMMISSIONER: All right.

20 MR. ARMSTRONG:

Q. And then what about Ben Johnson, simply I just wanted to ask you a question or two about Ben Johnson as a person as you knew him in 1983-'84 as a friend and a track athlete. What was your impression of
25 him when you met him at that time?

A. Well Ben, was a very genuine human being, of outstanding character. I mean there is really nothing you could say to the opposite to that. He was a good friend and, you know, I couldn't say anything
5 negative about him.

MR. ARMSTRONG: Those are all the questions I have. Thank you. There will be some other questions.

THE COMMISSIONER: Mr. Pratt.

MR. PRATT: Just a few, Mr. Commissioner.

10 --- EXAMINATION BY MR. PRATT:

Q. Mr. Davies, I am Alan Pratt representing Charlie Francis.

Now, did Mr. Francis ever ask you for any
15 money for the assistance he provided to you?

A. No, he did not, sir.

Q. How much time would you say he spent with you over the number of months that you trained with him?

20 A. Well, I would say I spent generally five hours in the track center a day, that's a reasonable estimate, and training would be approximately five, sometimes six, but generally speaking five days a week. So, that's 30 hours a week, and let's look over a
25 six-month period.

Q. But obviously he didn't spend all that time with you?

5 A. He didn't spend all that time, but he was within supervision. If you had a query to Charlie about say, you know, something you wanted to, he was within supervision. He had many athletes that he was coaching within the area.

10 Q. As I think you mentioned to me on a previous occasion, you made a quite a dramatic increase in your sprinting performance. And I wonder if you could just tell us the improvement in your 40-yard dash over this period of time?

15 A. Well, I had prior to that -- prior to training at York Track and Field, I had spent a great amount of time working to improving my speed in and unfortunately it only got to say let's say where I could work to maybe an average. I spent a lot amount of time, and I believe that near let's say the time prior to the injury at St. Mary's, I was running approximately 4.9
20 40's, which is very fair, it is nothing really.

THE COMMISSIONER: For a quarterback?

THE WITNESS: Yes.

THE COMMISSIONER: You were a quarterback, were you?

25 THE WITNESS: At that time yes, I still

was.

Upon training with -- and first of all, I should also mention that really outstanding changes in one's speeds is almost considered next to impossible. Certainly once someone has spent a great deal of time trying to do this, it couldn't be considered.

After training with Mr. Francis, I improved that by approximately four-tenths of a second, which is outstanding. It is surprising to see an improvement over that, which I can only attribute to his training measures.

MR. PRATT: Thank you, those are my questions.

THE COMMISSIONER: Thank you. Mr. Sookram, any questions?

MR. SOOKRAM: Mr. Davies, why haven't we met before?

THE WITNESS: I don't know.

MR. SOOKRAM: With so many negative things being printed about my client, I would have liked to meet you.

I pass, no questions.

THE COMMISSIONER: Mr. Bourque.

MR. BOURQUE: No questions.

THE COMMISSIONER: Mr. Futerman.

--- EXAMINATION BY MR. FUTERMAN:

Q. Good afternoon, Mr. Davies, I am Ed Futerman, I represent Ben Johnson.

When did you decide to come forth, Mr. Davies, and tell us the story? When did you contact the Inquiry?

A. I was originally contacted by I believe Don Willott of the Commission.

THE COMMISSIONER: Yes.

THE WITNESS: In approximately -- excuse me, it would have been approximately three months, do you think? I would have to -- Mr. Willott would be able to supply me the exact date of that more accurately than myself.

THE COMMISSIONER: All right. Mr. Willott first approached him.

THE WITNESS: I was originally contacted by him.

MR. FUTERMAN:

Q. Mr. Davies, I mentioned last night your name to Ben Johnson, he didn't remember it. Did he know you as John Davies? Or did you have a nickname that he used when he spoke to you?

A. No.

Q. It was John Davies?

A. Yes.

Q. All right. Maybe after seeing you on television today, he might remember you.

5 When you spoke to Ben about Winstrol, what was the words he used to describe Winstrol? Was it the word Winstrol, or did he talk about roids or juice or stuff? How did he refer to Winstrol specifically?

10 A. He wouldn't have referred to it as of directly Winstrol.

Q. No?

A. I had made comment -- I had made comment about my injury that I suffered after using Winstrol.

15 Q. Yes?

A. Mr. Johnson had commented that while he was -- he may have said on it, I can't exactly be sure what his phrase was, but while he was on it, he also found extreme tightness.

20 Q. All right.

A. I also believed --

Q. But you can't -- excuse me, Mr. Davies.

THE COMMISSIONER: He hasn't finished his answer.

25 MR. FUTERMAN: I am sorry, I was going

to say I apologize.

THE WITNESS: It is okay.

MR. FUTERMAN: No, you go ahead, you finish
your answer first.

5 THE WITNESS: I also believe reference was
made to that they would avoid it in the future, that many
of the athletes seemed to be a little bit weary of it.

THE COMMISSIONER: Of what? I am sorry?

THE WITNESS: Weary of Winstrol.

10 THE COMMISSIONER: I see.

THE WITNESS: Because of the obvious effect.

MR. FUTERMAN:

15 Q. All right. But I guess the word
Winstrol was not a word that Ben Johnson --

THE COMMISSIONER: When you mentioned
Winstrol, did he understand what you meant?

THE WITNESS: Yes, he did, sir.

20 MR. FUTERMAN:

Q. And do you remember --

A. It was also -- I am sorry to inject,
but it was also a very -- you could distinguish Winstrol
with great degree, most noteably because of the small size
25 of the pill, the pink coloration.

THE COMMISSIONER: When you said you were taking Winstrol and it had a bad effect on you, did he know what you were talking about?

THE WITNESS: Yes, he did, sir.

5

THE COMMISSIONER: All right.

MR. FUTERMAN:

Q. Did you talk about the pink pill?

10 A. I hadn't made -- I don't believe reference was made to the actual pink pill. You know --

Q. Do you remember specifically now the word Winstrol was that the word you used?

A. Well, I have used Winstrol, yes.

15 Q. All right. And you don't recall specifically using the word pink pill in described what Winstrol looked like?

A. No, I do not, sir.

20 Q. Was there any other reference you may have made to the Winstrol besides the word Winstrol at that time?

25 A. I don't recollect myself using any other word other than Winstrol itself. Amongst -- it seemed like there was a great deal of different jargon, you know, used for steroids but when you are discussing the actual amounts that you would have used, I mean I

would prefer to keep to the --

Q. All right. You were very interested at that time in what the track and field athletes were doing? You were inquisitive about the kind of program that they were doing, because you recognized the merits and the training program of Charlie Francis and his athletes?

A. That's correct, sir.

Q. It was a very positive program?

A. Yes, sir.

Q. You were naturally inquisitive about that program, and you asked as many questions as you could about the program from these athletes; is that fair to say?

A. Primarily regarding -- or my questions regarding the physical aspects -- at that time I was very interested into -- interested in to how to attain let's say one's peak performance, one's personal best.

Now, I spent most of my -- or most of the time in discussion regarding that with some one like Mr. Francis.

Q. Yes, I would think so.

A. To the source as opposed to the --

Q. All right, but you were the one that was asking the questions most of the time; is that fair to

say, Mr. Davies?

A. To Mr. Francis, yes.

Q. And to others as well?

A. Regarding actual training programs, I spent
5 most -- as I say, I spent most of the time asking
questions regarding Mr. Francis. And I say most of the
time is because I honestly can't recall times asking
either any of the athletes that said, well, what exactly
training were you doing.

10 I was more interested in what a coach to the
caliber of Mr. Francis could do for my performance as
opposed to what he would recommend to other athletes.

Q. What I find curious, Mr. Davies, is the
evidence we were given earlier gave me the impression, and
15 perhaps others as well, that the athletes seemed to be
quite secretive about discussing the use of anabolic
steroids. Why would they be so open with you, Mr. Davies?

A. I can't answer why another person would
have been open to myself for any particular reason. As I
20 mentioned, there may have been let's say a curiosity, may
be just a mutual friendship between athletes and they just
seemed to discuss it. Like I can't specifically answer
why another person --

THE COMMISSIONER: I wouldn't think so.

25

MR. FUTERMAN:

Q. All right. Mr. Davies, do you remember
in any other conversation you had with Ben the exact words
he used when describing anabolic steroids? Or is it just
5 the general impressions that you have described?

A. I can't recall him directly
discussing -- if you are asking whether or not discussing
dosages or particular drugs that he may or may not have
been taking. I can't recall that, sir.

10 THE COMMISSIONER: The names you mean?

THE WITNESS: That's correct, sir.

MR. FUTERMAN:

Q. The names or the words he used in
15 describing --

A. Yes, sir.

Q. -- the anabolic steroids; is that fair
to say?

A. Yes, sir.

Q. All right. In any event, you found him
20 to be a very genuine human being and outstanding character
at that time?

A. Yes, sir.

MR. FUTERMAN: Thank you, Mr. Davies.

25 THE COMMISSIONER: Thank you. Mr.

Armstrong any re-examination.

MR. ARMSTRONG: No, I have none.

THE COMMISSIONER: All right. We will
break now until 2:15. Thank you very much, Mr. Davies.

5 THE WITNESS: Thank you.

--- Luncheon recess.

10

15

20

25

--- Upon resuming.

THE COMMISSIONER: Thank you.

MS. CHOWN: Thank you, Mr. Commissioner.

Our next witness is Michael Ryan. He is here and ready to
5 be sworn.

THE COMMISSIONER: Thank you.

MICHAEL JAMES RYAN: Sworn.

--- EXAMINATION BY MS. CHOWN:

10 THE COMMISSIONER: How tall are you?

THE WITNESS: Six-seven actually; the boots
add a few extra inches here actually.

THE COMMISSIONER: Fine, thank you very
much, gentlemen.

15 You are not still standing, are you?

THE WITNESS: It feels like I am under this
desk, I can tell you.

THE COMMISSIONER: All right. Ms. Chown.

MS. CHOWN: Thank you.

20

MS. CHOWN:

Q. Mr. Ryan, I understand that you were
born in Seattle in 1960, but you did, however, do the
majority of your public and secondary education in
25 Ontario?

A. That's correct.

Q. In fact you graduated from Earl Haig Secondary School in 1980?

A. Yes.

5 Q. And you were a high school football player?

A. Yes, indeed.

Q. And following high school, I understand that you attended various universities in the United States and Canada?

10

A. Yes.

Q. We will come back to those later. And you are presently involved in the education system in Toronto?

15 A. That's correct.

Q. I would like to go back if I could to your university days. I understand following graduation you attended Trent University briefly?

A. Yes.

20 Q. And following that went down to San Diego State in the United States?

A. That's correct.

Q. I understand the purpose of your attending San Diego apart from education was to participate in football?

25

A. At that time of my life primarily for football more than anything else.

Q. In fact, prior to attending San Diego State in the 1981, you made a visit to that college in the
5 spring of that year?

A. That's correct.

Q. Basically that was to look around, meet your coaches, and potential fellow teammates?

A. Yes.

Q. Did you receive any information at that
10 time from the players on the football team at San Diego State about the use of anabolic steroids?

A. At that time, I was about 235, 240, and the same height I am now, walking around with a bunch of
15 the linemen and they sort of go, you know, they gave me a classic case one of the guys reported to camp about 215, went off to junior college for two years, and came back at 275, magic change.

And they said, you know, this is what you
20 want to be doing, you want to be taking some steroids to get yourself up, to get yourself bigger so when you come in here in the fall, you know, you are ready to roll because this was spring and we are looking at only having a couple of months to go.

25 THE COMMISSIONER: What year was that?

THE WITNESS: 1981.

THE COMMISSIONER: '81, thank you. Go ahead, I am sorry.

5

MS. CHOWN:

Q. And the position, you were an offensive lineman?

A. That's correct.

10

Q. And following that visit to San Diego State, when you returned to Toronto, do you follow up on the advice that you had been given by several of the football players and that is to get your weight up by the use of anabolic steroids?

A. Yes, I did.

15

Q. How did you go about?

20

A. At the gym I was working out in there was a few body builders working out there. I knew one of the fellows, I talked to him. He said he was leaving the profession and had some steroids which he could sell me. So, I proceeded then to get some cash together, buy the -- I bought a couple of vials of Deca-Durabolin I guess one calls it. Some Delatestryl --

THE COMMISSIONER: What did they call it in the trade?

25

THE WITNESS: Well, we just nicknamed it.

Everybody said, you know, have you got some Deca.

THE COMMISSIONER: Deca.

THE WITNESS: So, whether it was
Deca-Durabolin or however one pronounces the name. Some
5 Delatestryl from him and some Winstrol tablets, I believe,
as well.

MS. CHOWN:

Q. Did you obtain any advice from this
10 body builder as to dosages?

A. He gave me what the dosages he was
using. He was using about 2 cc's a week. So, that is
what I was doing.

Q. Of the injectable?
15

A. Yes.

Q. And once having received those supplies
of both injectable and tablets, did you then go on a cycle
of anabolic steroids?

A. Yes, for most of the summer I was on
20 steroids.

Q. What --

A. For the quantity of June and July and
leading up to camp in the beginning of August.

Q. Did you in fact put on weight as a
25 result of that program?

A. Yes, I reported to camp at about 256, 255.

Q. So, we are now at the fall of '81, and you go back to San Diego State having put on the weight you have described. And I understand you were a member of the team in the fall of 1981, but had a very short span playing football. And why was that?

A. Basically I was running out of cash in a hurry, and also I got sick partway through camp, and ended up coming back to Toronto weighing 219, somewhere in November, or thereabouts.

Q. So, you had lost a substantial amount of weight?

A. A substantial amount of weight, yes.

Q. Had you also suffered injuries in the fall of 1981?

A. Yes. Throughout most of the camp, I had a bunch of nagging muscle pulls and strains, mostly in the lower part of the body, hamstring, groin. That was about it, most of those things. They were nagging things that continued through the whole camp.

Q. Did you then or at any subsequent time make any connection in your own mind between those injuries and your use of anabolic steroids?

A. Not at that time. It came a short, you

know, a few months afterwards I began to think well, you know, maybe -- I started to hear that people that were on steroids tended to have more muscle pulls I saw a number of them when I was out at San Diego State. Then I got
5 back home and saw a few other players, more offensive linemen who were in the same boat I was. They were, you know, pushing the roids and they had muscle pulls all over the place and saying maybe there is something to do this, maybe there is a direct relationship.

10 THE COMMISSIONER: Did you use the terms "roids"? I think you just said roids.

THE WITNESS: Yes, I suppose I have two catch-phrases I tend to use which is roids and the juice. And those are the two most common ones I guess.

15 THE COMMISSIONER: All right.

MS. CHOWN:

Q. Going then into 1982, I understand you then attended Panhandle State University in Oklahoma?

20 A. Yes, small time Oklahoma.

Q. You also played football at that school?

A. Yes.

Q. What observations, if any, did you make
25 about the extent of anabolic use among football players.

THE COMMISSIONER: What league would they
be in?

THE WITNESS: They would be in -- I think
they were an independent NIA school, which is sort of like
5 the lower rung of the athletic programs in the U.S.

THE COMMISSIONER: All right.

THE WITNESS: It was a small town, like we
are talking about a couple of hundred people. And one of
the first things I was able to find there in looking at
10 some of the football players, we had an all-conference
defensive end there and by his appearance he was obviously
using the stuff.

So, I talked to him about it. And another
fellow there was being promoted as an all-conference
15 defensive lineman.

I talked with them and very quickly find out
that I could get the steroids through them or through a
guy in town. And they were available in a town of two or
three hundred people. I thought that was kind of nice.

20 So, I was able to obtain what I wanted, if I
wanted it at that time, which I don't -- I had some -- I
think I had some pills at that time, but I wasn't heavily
into it during this period. I wanted to find out if I
could get it.

25

MS. CHOWN:

Q. Were you able as a result of your experiences both at San Diego State and at Panhandle State University to form any impression as to the extent of anabolic steroid use amongst football players at the levels you were playing?

A. At San Diego State the use was more prevalent. I would say amongst the offensive linemen, of the starters, I would say almost every one of them. Of the starting defensive linemen, I would say maybe -- we had three man lines so I would say two out of the three I could say were definitely on them. Linebackers, again, a good quantity and the defensive backfield as well. Most of our defensive backs could bench over 300.

Q. Did that situation similarly prevail in Oklahoma?

A. Not as much, being a smaller school, and not having what you might call the division one dedicated athletes.

We had -- the linemen probably were the ones using it the most and a couple of linebackers. And out of those ones I would say if we had 15, 16 linemen, I would say that about about a dozen were using it, or had experimented with it during the last year.

Q. Were the coaches at either institution

aware either of your own use or the use of other players on your team?

A. They never said anything about it. It was sort of, you know, they would tell you that you
5 needed to gain weight and needed to put on some pounds, and that would be about it. They would sort of, you know, all right, go do it, go put on the weight.

Q. Leave it up to you as to how you accomplished that goal?

10 A. That's correct.

Q. Following the spring semester then at Panhandle State, you returned to Ontario and spent the summer of 1982 in Ontario?

A. That's correct.

15 Q. And I believe you were present in the hearing room this morning and heard Mr. Davies give his testimony. I understand you and he have been friends since high school?

A. That's correct.

20 Q. And in the summer of 1982, as he has testified, he made an approach and in fact went to see a Dr. Cherry.

A. That's correct, we both went together. The first visit we went together.

25 Q. What was your purpose for going to see

a physician at this time?

A. I was trying -- again trying to get steroids, trying not to do the black market method this time, sort of picking them up in the gym not knowing what you were getting. A little bit of the common sense, not a whole lot I guess at this point, trying to at least be aware of what I was getting. It was hopefully coming from a physician, maybe he knows what's going on.

Q. How had you become aware of Dr. Cherry?

A. It was a name we had picked up, I don't remember if it was in the gym or just from one of the guys we trained with in the past.

You know, looking for it again sort of thing. Like, you know, you can go into the gym, you can ask around, you can find the name of somebody who will get you what you need.

Q. When you say your view of going to a physician at this time was someone that would get you out of the black market situation, do I take by that that you would feel more confident about the nature of the substances that you were receiving, that they were what they were supposed to be?

A. Yes, I sort of wanted to do that. I had a lucky guess when you picked it up in the black market, I thought, so. I had heard some bad stories. I

figured, let's smarten up, let's go to a doctor and do this.

Q. Did you have any concerns or desire to have any more monitoring done of yourself?

5 A. At the time I really, you know, wasn't that aware of what was going -- what monitoring really was. I had, you know -- John and I had done a little bit of reading of what steroids were about, some side effects and other things like that, but we hadn't really discussed
10 or really found out about the other things.

Q. I understand that it is your memory that you and Mr. Davies went to see Dr. Cherry sometime in late June or late July of 1982?

A. Somewhere thereabouts.

15 Q. Did you go in to see Dr. Cherry the two of you at the same time?

A. Yes.

Q. Was that when you had continued visits with Dr. Cherry, was that your practice to see him
20 together?

A. No, actually we went together the first time. After that it was very much, you know, we went on our own.

Q. When you went in to see Dr. Cherry, did
25 you make it clear to him that your purpose for attending

at his office was to go on a program of anabolic steroids?

A. Yes. That was the first thing on the list of things to do.

5 Q. Mr. Davies has testified that his memory is that Dr. Cherry did not take a history nor do a physical examination, nor refer him for any lab tests. Was that the same experience that you had?

A. Yes.

10 THE COMMISSIONER: Just what happened? Just tell us about the visit?

THE WITNESS: We both went in, basically told the doctor what we wanted. He said okay, this is what it costs, this is what you are getting.

THE COMMISSIONER: Yes?

15 THE WITNESS: You know, took one of us in the room, give us a shot, switched up, the other guy went in the room, gave us a shot, and that was it. Paid the cash, and we were gone.

THE COMMISSIONER: Thank you.

20

MS. CHOWN:

Q. To your knowledge, did Dr. Cherry maintain any medical file with respect to your attendance?

A. Not that I ever noticed.

25 Q. After receiving the shot that you have

described, did you ever on that occasion or other occasions pay Dr. Cherry?

5 A. Yes. Every time you went in one of the first priorities was the dollars down on the table. It would be, you know, usually cordially worded so that your cash was on the table for him. \$25 was usually it, but sometimes it was more if you were getting a prescription or some other stuff.

10 Q. Did you in fact get an injection on your first visit to Dr. Cherry?

 A. Yes.

 Q. Do you know what that was?

15 A. I think -- I have been trying to roll this over in my head. I am pretty sure it was Deca again. The reason being is that was one of ones that we had mentioned to him when we were there. And I think he mentioned it back. It must have been that one. But, again, I didn't see the bottle so it could have been anything.

20 Q. Do you know what dosage you received?

 A. Three cc's.

 Q. You mentioned some pills as well?

 A. Yes, Winstrol.

25 Q. Did Dr. Cherry provide you with the pills or provide you with a prescription?

A. I am not sure -- it must have been a prescription because I don't remember, you know, I have been since I have been trying to think of all this and it's years gone buy, it seems to have been past history.

5 But I believe it must have been a prescription at this point because where I was working there was a drug store across the way and I went there. So, I wouldn't have been gone there later.

10 Q. Did you inform Dr. Cherry of the dosages and kinds of anabolic steroids you had been taking on your own?

A. No.

Q. Did he ask you anything about that?

A. No.

15 Q. Do you recall having any discussion with him about side effects of anabolic steroids?

A. No.

20 Q. Following that first visit in late June or early July of 1982, did you continue to attend at Dr. Cherry's office?

A. Through the summer of '82 that was it, then I pretty much stopped for that, picked it up again in the summer of '83.

25 Q. Am I correct in understanding at some time in August of 1982 that you asked Dr. Cherry for a

supply of Winstrol tablets?

A. Yes.

Q. Do you recall how many you asked for?

5 A. I asked for enough to last me through
until roughly Christmas. And he didn't -- I think I gave
me about 100 or 150 tablets and that wasn't necessarily
enough, but I wasn't training that hard at that point.

Q. You have indicated at that point your
visits to Dr. Cherry stopped until the following summer?

10 A. That's right.

Q. What did you go on to do in the fall of
1982?

A. The fall of 1982 I just went back to
work. I was working at the liquor store.

15 Q. All right. Going then to --

THE COMMISSIONER: Are you going to school
at that time, too?

THE WITNESS: No, I was out of school at
this point.

20 THE COMMISSIONER: When did you get your
teacher's degree?

THE WITNESS: Actually, I just got it
last year.

THE COMMISSIONER: I see.

25

MS. CHOWN:

Q. Turning then to the summer of 1983, you went back to see Dr. Cherry over that summer?

A. Yes, that's correct.

5 Q. What occurred on those visits to his office?

A. Similar procedure as the previous times. Told him what I needed, what, you know, I wanted to go on a steroid program again, cash on the table, back
10 to the room, same deal.

Q. Was any blood or urine taken from you for purposes of lab analysis in the summer of 1983?

A. No.

Q. Did you have any discussions during
15 that summer with Dr. Cherry about the anabolic steroids you were on and the possible side effects?

A. No.

Q. In the fall of 1983 I understand you returned to university going first to St. Mary's and then
20 to McMaster?

25

A. That's correct, for a brief couple of days at St. Mary's and McMaster, yes.

Q. Were you playing football at both schools?

5 A. Yes.

Q. And again, what was the purpose of your going on the steroid program in the summer of 1983? Did that relate to your desire to resume playing football in the fall?

10 A. Directly. It was my draft year, and I felt that I needed to be at a certain weight, a certain strength and be a dominant force in order to be a top draft choice. I met with a few of the officials in the league and coaches, and they said, you know, you're not
15 looking too bad and you could use a few extra pounds and this in and that and off I went.

Q. And, in fact, did you put on extra pounds as a result of your program in the summer of 1983?

20 A. Yes, when I reported at St. Mary's, I was 286.

Q. And what had you been in the summer?

A. I had been about 265, maybe 270 in the maximum.

25 Q. Now, as you say, you were very briefly at St. Mary's and then on to McMaster, and then I

understand in January of 1984, you began to do some training at the track and field centre at York University. How did that come about?

5 A. Again, I could sense the draft was coming up, but I was not pleased with my conditioning level. I needed to get some running in. I talked to John Davies who was training there.

 THE COMMISSIONER: This is January '84 now?

10 A. That's correct. I talked to John Davies who was training at York. He was saying--he was explaining the positive aspects of the training he was getting, the fact that his speed was improving and his hamstring injury was almost completely healed at this point. He was really impressed with the training he was receiving at the facility. I then began to go down to the York track and field centre to train and try to get myself in shape for a possible CFL shot.

15 THE COMMISSIONER: For the '84 season?

 THE WITNESS: Yes.

20 MS. CHOWN:

 Q. And I understand that, in fact, In February of that year, you were drafted by the Saskatchewan Rough Riders?

25 A. That's correct.

Q. When you were at the York track and field centre then in early 1984, did you too, as Mr. Davies has testified, receive some assistance from Mr. Francis?

5 A. Yes, most certainly.

Q. Can you tell us about that?

A. Well, first of all I was kind of shy about approaching him because I was this fairly behemoth guy and there is all these fairly lean sprinters strolling
10 around. John sort of introduced us, and from that John had a little discussion about--he basically broke the ice for me. Talked about different types of training that would be necessary for a guy of my size and playing my position, the distances and stuff. He helped me out. He
15 said I would have some potential to improve greatly.

THE COMMISSIONER: Were you training as a lineman?

THE WITNESS: Yes.

THE COMMISSIONER: Offensive or defensive?

20 THE WITNESS: Offensive or offensive.
However one might like to word it.

MS. CHOWN:

Q. Following that introduction to Mr.
25 Francis, did he then begin to assist you with the

particular training program over the next several months?

5 A. Yes. From that point on until I went
to camp in May, he was--he would write up most of the work
that was for me. If I had an injury, he would adjust the
workouts accordingly. Part of the time I was put in the
pool because I had an ankle injury that came up, and he
said well, let's keep you off track, put you in the pool
for a while and do some pool workouts, and I have never
worked out that hard in my life nor seen as positive a
10 result in my life. At the finish of a pool workout, I
would come out of the pool. You should feel really good,
and I couldn't even walk. My legs would be... So it was a
good experience.

15 Q. And was the nature of the training that
you were receiving under Mr. Francis' guidance different
than that you had been experiencing at your various
universities?

20 A. Oh, yes, the concentration was entirely
different. The concentration on power through running and
through developing your speed. In football, the idea
tends to be you're going to develop your power through
weightlifting and you'll do your running after.

25 The workouts that Mr. Francis had been doing
involved similar to what the track athlete was doing.
Doing the running, doing the run routines first and then

doing supplementary work in the weight room. That was a different--it took a while for me adjust to that change because you get stuck in the football mentality that I've got to be in the weight room. Especially a big guy, a
5 lineman. You want to be in there pounding away at the weights. You've got to have that bench up, you've got to be benching at least 350 and then you have to work the floor. You have to break the barriers, and that was tough for me to break that mental mould, but with Charlie's help
10 and being able to see the results that John receiving and the results I was presently experiencing, that changed my mind about my training philosophy.

Q. As a result of that exposure and the results that you were achieving, did you form an
15 impression of Mr. Francis as a coach, his coaching abilities?

A. A very strong impression. He sort of influenced, actually, my coaching since that point, not only his patience, but his--

20 THE COMMISSIONER: You're a coach yourself now, are you?

THE WITNESS: Yes. His patience, his knowledge of what--his technical knowledge was outstanding. The way he could make quick adjustments to a
25 program was awe inspiring for me at the time and still at

this point I think is.

As a man, we never paid him a dime. If anything, he took us out to lunch now and then. After we would finish our routines, we'd go to, like, Golden
5 Griddle and sit around and talk about training and football and all sorts of things.

Q. Now I understand you're involved in coaching football at this time?

A. Yes.

10 Q. And have you carried forward some of the techniques that Mr. Francis suggested to you in your own coaching?

A. I think I'm a much more patient coach now than I used to be, especially the running and that
15 type of power training more so than any of the others now. I mean, the weight room is still important to us, but it's a secondary priority to me now. Our expression is "speed kills" so we're going to use it.

Q. And as a result of your attendances at
20 the York track centre, did you become aware of Dr. Astaphan?

A. Yes.

Q. How did you learn of him?

A. A similar sort of situation with Dr.
25 Cherry. Again a name. Both John and I figured okay,

we're this close, let's go over the top, and we want to get that shot. We want to make the best of it. I knew at this point I had a shot and John was hoping for a free agent tryout, and we figured if we're going to be on an equal footing, we had better get our butts in gear. So we asked around. Dr. Astaphan's name came to us and we went together again to Dr. Astaphan's office, made an appointment and went together.

Q. And your memory is that you saw Dr. Astaphan first in February of 1984?

A. Yes, it would be February.

Q. And that you continued to see him on and off up until Christmas of 1985?

A. That's correct.

THE COMMISSIONER: '85?

THE WITNESS: That's correct.

MS. CHOWN:

Q. Tell me what you recall of your first visit to Dr. Astaphan.

A. Well, both John and I went again together. I guess a combination of courage or something. When we got there, we explained what we were looking for. We wanted to go on a steroid program. Dr. Astaphan asked us what the reason was for going on this program, what our

purpose was. I think he already had a vague idea with a guy like my size strolling in there, but nonetheless, he wanted to know why. From that, he even asked us if we knew the side-effects of these drugs. We knew most of
5 them. We spotted off a few. He explained a few more of them. From that, what did we do next.

Q. Did you discuss specifically with Dr. Astaphan the dosages that you had been on previously?

A. Yes, I remember because I brought up
10 Dr. Cherry, that we had been to Dr. Cherry before and the fact that Dr. Cherry had been giving me 3 cc's of this stuff weekly plus the Winstrol.

Q. And this stuff is the Deca-Durabolin?

A. That's right, and he said he didn't
15 agree with that dosage. He thought that dosage was excessive, and he asked if we were on anything else. We said, you know, I wasn't. That's what I was doing. John was not doing as much as I was. He didn't need to be as large or whatever as I did, I guess.

20 And from that we got on to the topic of vitamins as well because both John and I were strongly into the vitamin supplements, and we discussed the vitamins we were taking. Then from that, he recommended the ones that we should be taking out of the bunch that we
25 were taking and recommended a couple of other ones to us

and to delete a few from our list. It was quite lengthy at the time. It would take a good 15 minutes to do your vitamins in the morning.

Q. And do you recall if on that occasion
5 Dr. Astaphan took a medical history of you?

A. He took a brief medical history of what our previous experiences were, if we had any allergic reactions to medicine. A lot of typical stuff I have had on first visits to doctors.

10 Q. Okay. Did he carry out a physical examination?

A. A few things. When we went off for the injection, again sort of a separate thing, that's when he did a quick physical examination checking to make sure
15 that--

THE COMMISSIONER: This time you didn't get any injections or drugs, the first visit?

THE WITNESS: Yes, the first visit we did. After this was over we did, yes. It was a brief physical
20 first in his office that was beside--he has his main office with a desk and off of that is a treatment room and off of that is where we did the quick physical examination. The injections were in there the first time.

25 MS. CHOWN:

Q. On that occasion, did he take any blood or urine for lab analysis?

A. I don't know if he did on the first occasion. I know that on following visits, I had a series of blood and urine exams.

Q. That was the first visit. Following that, you've indicated you returned to see Dr. Astaphan on a number of occasions.

A. That's correct.

Q. And was that to receive the injections that you have described that you received on the first occasion?

A. Generally to keep the dosages going. After a while, Dr. Astaphan sort of became my family doctor for a while because he was close to where I was training and I saw a lot of sense in what he was doing as far as saying this was actually a doctor who was keeping track of what I was doing rather than just, like, here's the money. Let's go in the back room, I'll give you a shot. That to me was important at the time and still I think is.

Q. Did you also receive--

THE COMMISSIONER: What drugs did he prescribe for you or give you, do you know?

THE WITNESS: I had a bout of bronchitis

so I had some medication for that.

THE COMMISSIONER: No, I meant what
steroids?

THE WITNESS: Oh, steroids. Several. I
5 had Winstrol and Dianabol from him. I also had--

THE COMMISSIONER: Winstrol tablets?

THE WITNESS: Yes, Winstrol tablets and
Dianabol tablets.

THE COMMISSIONER: Did you get any
10 injections at all?

THE WITNESS: Three injectable substances
that I was aware of that I saw. Aqueous testosterone and
Deca and--what's the other one. I can't remember the name
of it. I can see sheet. We had one running around the
15 school the other day and I was checking off the list here,
but I can't remember the name of it.

MS. CHOWN:

Q. And can you tell me what effect, if
20 any, you observed in taking the dosages that were
recommended by Dr. Astaphan of the anabolic steroids
through '84 and into '85?

A. Well, one of the things I noticed, when
I was training, I was definitely seeing a marked
25 improvement in my strength and my speed was improving.

All aspects of my athletic ability seemed to be improving drastically. I wasn't suffering from the injuries I had previously suffered from. Those things in my book were check marks at that point.

5 Q. And did you, in fact, report in May for the camp for the Saskatchewan Rough Riders?

A. Yes.

Q. And what happened thereafter?

10 A. I ran one of the fastest times I've ever run in my life as far as a 40 goes, and I felt in great shape. I was in the best shape of my life at this point. I was 278 pounds, I was feeling pretty good. My second hitting practice, I destroyed my ankle and that was pretty much it. I stuck around for another week or so and
15 that was the end of the professional career.

THE COMMISSIONER: Did you say you broke your ankle, did you?

THE WITNESS: Yes.

20 THE COMMISSIONER: That's a pretty serious injury for a football player.

THE WITNESS: I got stomped on more likely. In this case, a guy fell onto the back of my leg while I was still standing and flattened it out for me.

25 THE COMMISSIONER: Would you have made the team?

THE WITNESS: Well, it's easy enough to guess, I suppose. I feel I would have made the team, but that's up to them to decide I guess. I felt in good enough shape and I felt competitive enough.

5 THE COMMISSIONER: This was in training camp when you were hurt, I gather?

THE WITNESS: Yes.

MS. CHOWN:

10 Q. Mr. Ryan, I would like to take you back to the York track and field centre. As a result of being coached by Mr. France, did you have an occasion to meet any of the track and field athletes that he was coaching as well?

15 A. Yes, through Charlie and through John because John had been there longer than I had been and we managed to meet most of the main track athletes. Angella Taylor, now Angella Issajenko, Ben Johnson, Mark McKoy, Desai Williams. We met a number of these people.

20 Q. What kind of relationship, if any, did you develop with them?

25 A. It was sort of cordial, how are you doing friendship, sort of thing. We talked a little bit about football now and then. Again because we were training differently from the other football players in

there, I think we became a little more approachable.

We weren't one of those people that said that's fine for you people, but I'm going to go here and weightlift first. We were training in a similar method that they were, and I think that made us perhaps a little bit more approachable than the other football players there. So we talked about football, we joked about some of the York football players spending--you know, they've been in there for three hours now. I wonder if they're going to come out and do any running today. Wanting to see them at least do a lap or two before we left.

Q. And did you ever have occasion to discuss anabolic steroids with Mr. Francis' track and field athletes?

A. Specifically talking, you know, this steroid or that steroid, no. We talked generalities. You know, I wonder what that guy's doing or looking at some of the athletes who were out there saying, my God, that guy must be doing more stuff than he can possibly handle because the guy was swelling up like a balloon. It was sort of a knowledgeable discussion on looking at some of the people walking around the centre.

Q. Mr. Davies has indicated that he had a Super Bowl party at his apartment or house in January of 1984 and he indicated that you were present.

A. That's correct.

Q. Along with Mr. Sokolowski, Mr. Johnson and another York student.

A. That's correct.

5 Q. Do you recall that party at all?

A. Yes, it was a good gathering. It was in John's apartment. That was not too far from Bloor and Yonge I guess.

10 Q. And do you recall any discussion of anabolic steroids amongst the group at that party?

A. Again just sort of a joking thing. We were having a great time watching some of the athletes out on the field. Especially during the intro, you could tell that some of the eyes were a little freaked out, and they were not necessarily on steroids at the time, but they were on something else, ready to roll.

15 We looked at some of the sizes of the guys. We were joking, you know, I would like to be on his program, this sort of discussion. It was, you know, you have got to understand the atmosphere of a Super Bowl type of gathering. About four or five guys sitting around. You know, it was pretty "ho ho ho" type of viewing of the television screen.

20 Q. And in the discussions about anabolic
25 steroids, you've said early that the words that you

favoured were roids or juice. Were those words that you would have used in the discussions that day?

A. Oh, definitely. Those are my key phrases. I don't use a whole lot of other ones.

5 THE COMMISSIONER: Did the others ever use those phrases too?

10 THE WITNESS: I don't recall the people using them because I wasn't the only one that said roids or juice. I know John's expression from being with the group was "The Flintstones". It was another favourite. I sort of thought that was a good name too because they had little blue and little pink ones, and it seemed like you just opened up the jar--

15 THE COMMISSIONER: What about the other athletes like Angella or the others?

20 THE WITNESS: Amongst them, I think with Angella I may have heard the--it would be conjecture. I wouldn't know. I couldn't say specifically yes at this time I remember them saying juice or roids, but I remember hearing it from probably Angella at least once or twice during the time at the centre.

25 The other people at the party, I mean it was almost--I almost thought everybody was using them for a while because we were all sort of, you know, watching the screen having a laugh and then between that applauding

good plays.

MS. CHOWN:

5 Q. Do you have any specific recollection
of Mr. Johnson making any such comments at this party?

10 A. I can't point a finger and say "Ben
Johnson said look at that guy taking steroids" but he was
participating in the discussion like the rest of us,
pointing out a few of the guys. We'd point them out and
it would sort of be a chuckle and laughing and saying what
the guys were doing. I mean, He would occasionally
comment quietly because he was--

15 THE COMMISSIONER: Did he ever discuss
these matters while you were at the York centre about the
advantages or disadvantages of certain steroids?

20 THE WITNESS: No, most of the discussion
that I had with Ben and the other guys was mostly about
football, and we would look at the other athletes that
were on this stuff. It wasn't so much, you know, I wonder
if he's on the stuff I'm on, but it was sort of a
discussion of other people's use of the substances.

THE COMMISSIONER: Other people's using it?

THE WITNESS: Yes.

25 MS. CHOWN:

Q. When you say you would discuss football with Angella, Ben and some of the other athletes, were you discussing specifically the use of anabolics in football?

5 A. Not particularly. I don't think on any specific occasion we discussed the use of steroids in football. The discussion with regards to football with Ben, Desai and Mark were with regards to them playing, their possibility of playing the game because I commented once when we were throwing a ball around because John was
10 the quarterback.

We were throwing the ball around the centre and watching some of these guys catch. Mark McKoy had a vertical, up in the air to catch a football. I said holy cow, he could have a good time doing this, and we talked
15 about the skills in the game and some of the other things that were going on. They wanted to know maybe what they should be doing or what they should be looking at or what it was about, what was the whole thing about.

The times we talked about football and
20 steroids would be when we were looking at the other guys in the centre, some of the York football players or again on the TV screen, seeing some of the NFL players.

Q. And did you get to know Mr. Johnson reasonably well through the time period that you spent at
25 the track and field centre?

A. Reasonably well. I mean, it's not like this or anything like that, but occasionally we would just shoot the breeze. That's all.

5 Q. What kind of person did you find him to be?

A. He was pretty shy with me to start with I guess because I was a fairly large person, one of those "football types" from that other group over there, but as I got into it, I think the party was a bit of an ice
10 breaker for it too because we were having a--to pardon the expression, it was a good time for everyone. After that, it seemed to break the ice a little bit. It was pretty cordial little chats about this or sitting around, shooting the breeze about the football players and stuff.
15 It wasn't anything heavily personal or anything like that.

Q. Now you've indicated that you broke your ankle in the training camp in the spring of '84. Had you been using anabolic steroids up to and including that training camp?

20 A. Yes, I had taken them with me actually to camp so I was well prepared.

Q. And following, as you put it, the end of your career with the damage to your ankle, what, if anything, did you do about further steroid outside?

25 A. I took the following year off to

rethink what the heck I was doing and reorganized, to education, then football. I went back to McMaster, and I was still--at this point I just was using Dianabol and continued to use that. Not in great dosages, it was more
5 of a slight mental addiction. I just felt that once in a while I needed to be a little bigger. I played the season in '86 and that was it for that. That was the last time I used them and there was leftovers that I had.

Q. The last time that took any steroids
10 yourself would have been--

A. Early fall '86.

Q. Early fall of 1986. Thank you, Mr. Commissioner. Those are the questions I have.

THE COMMISSIONER: And you went back to
15 school at the same time?

THE WITNESS: Yes, I was back at McMaster
in '86.

THE COMMISSIONER: You say graduated--

THE WITNESS: I guess I was back at
20 McMaster in '85, I guess it was. '85 it would be.

THE COMMISSIONER: You got your teacher's
certificate last year?

THE WITNESS: Yes.

THE COMMISSIONER: Thank you. Any
25 questions, Mr. Futerman?

MR. FUTERMAN: No, Mr. Commissioner.

THE COMMISSIONER: All right. Well, thank you very much for your evidence, Mr. Ryan. Thank you.

MR. RYAN: Thank you.

5 MR. ARMSTRONG: Mr. Commissioner, our next witness then is Michael Spiritoso. He is here and he is accompanied by his counsel, Mr. Adam Albright.

THE COMMISSIONER: How do you spell the name, please?

10 MR. ALBRIGHT: My name or Mr. Spiritoso's?

THE COMMISSIONER: Your name. I've heard his name before. I haven't heard yours.

MR. ALBRIGHT: A-L-B-R-I-G-H-T.

THE COMMISSIONER: Thank you, Mr. Albright.

15 Michael Anthony Spiritoso: Sworn.

---EXAMINATION BY MR. ARMSTRONG:

20 Q. Mr. Spiratoso, you are from Toronto, originally attended Michael Power High School from which you graduated in 1982; is that correct?

A. Yes.

25 Q. After graduation from Michael Power, you attended Clemson University in South Carolina on a full track scholarship?

A. Yes, sir.

Q. Have I got that right? Is it South Carolina? I'm never sure whether I'm north or south.

A. South.

5 Q. South Carolina, good. And you were at Clemson University then between 1982 and 1987, having sat out one semester, and graduated in the spring of 1987 with a Bachelor of Science degree in Industrial Management?

A. Yes.

10 THE COMMISSIONER: That's from Clemson, is it?

THE WITNESS: Yes.

MR. ARMSTRONG:

15 Q. And then in 1989, you were back at Clemson at its graduate school and received just recently your Master of Science degree in Industrial Management?

A. Yes.

20 Q. Let me just take a moment to review with you your track and field career. I understand that you at the high school level were the Ontario junior champion in the shotput in 1980?

A. Yes.

25 Q. And in 1981, you were the senior Ontario champion at the high school level?

A. Yes.

THE COMMISSIONER: What is your weight, Mr. Spiritoso?

THE WITNESS: Presently?

5 THE COMMISSIONER: Yes.

THE WITNESS: 195.

THE COMMISSIONER: 195? You don't look 195. I'm not challenging you, but you look thinner than I do and I don't weigh 195.

10

MR. ARMSTRONG:

Q. All right. When you competed, you were a little heavier I take it?

A. Yes.

15 Q. What was your weight when you were a competing shot-putter?

A. I was 263 at my heaviest.

Q. And you as well in Canada, being a competitor at the high school level, you, like many other track and field athletes, had an association first with the Scarborough Optimist Track and Field Club beginning in 1980?

20

A. Yes.

Q. And in 1986, you joined the Etobicoke Huskies Track and Field Club?

25

A. Yes.

Q. And at the inter-collegiate level in the United States, you competed over a four-year period between 1982 and 1987, but you were red-shirted during the 1985 season?

5

A. Yes, sir.

Q. And then at the inter-collegiate level in the United States, among the highlights of your shotputting career was a second place finish in the NCAA meet in Indianapolis in 1986?

10

A. Yes.

Q. And then in 1987, a second place finish in the shotput in the NCAA Indoor Championship in Oklahoma City?

15

A. Yes.

Q. And looking at your other accomplishments in track and field over the years apart from high school and university, you were in 1982 the Canadian junior outdoor champion. Also in 1982 you ranked third in the PanAmerican junior championships; and also in the Ontario championship, first in the shotput and it looks like third in the discus. Those would be the highlights in 1982, do you agree?

20

A. Yes.

25

Q. And then in 1983, you in Canada ranked

7th in the shotput in the national championships. In 1984 in the national championships, you placed 3rd, and in 1985 in the national championships, you became the Canadian champion placing first at the national championships; is that correct?

A. Yes.

Q. Also in 1985, you placed third at an international meet involving Canada, Finland and Germany?

A. Yes.

Q. In shotput?

A. M'hmm.

Q. And then moving along to--also of significance I note in 1985 is you were in the World University Games, ranked 7th or finished 7th in the shotput and at the World Cup trials that year, finished 3rd in the shotput?

A. Yes.

Q. Then in the 1986 season, some of these that I have for '86 may well be NCAA meets. I don't know, but you appear in 1986 to have finished first in the shotput at the Florida relays. Is that an NCAA meet?

A. Yes.

Q. And at the Pennsylvania State relays you finished first?

A. Yes, Penn State.

Q. And also in 1986 at the national outdoor championships in Canada, you again finished first?

A. Right.

Q. But subsequently we will hear as we go through this, you tested positively at that meet and that first place finish was taken away?

A. Right.

Q. All right. Now, Mr. Spiritoso, I just want to ask you some questions about your own use of steroids, if I may. First of all, if you did get involved in steroids at any stage, when was the first time?

A. I first purchased steroids in--it was I think August or June of 1982. We were on a trip to Venezuela for the PanAm Junior Games, and I thought since I was going to be competitive in that sport and going down to the U.S., I felt that I needed to go on them so I purchased some Dianabol tablets in a pharmacy in Venezuela.

Q. And did you, I assume, go on the Dianabol tablets once you received them?

A. Yes, in my freshman year in my first semester.

THE COMMISSIONER: I gather you don't need a prescription for Dianabol in Venezuela? You just go to the drugstore?

THE WITNESS: No, you just go to the pharmacy. You can pick them up. They are very cheap, and you just go in there and you tell them what you want. You write it down on a piece of paper because they speak Spanish and just hand it to them and they know what you're talking about.

MR. ARMSTRONG:

Q. And do you recall in 1982 what the range of dosage was that you took at that time?

A. I first started off with three a day because that's what everybody was using. That was the word that was going around, and then I increased it to six a day. After the first cycle, I went on for six weeks three a day and then I took, like, four to six weeks off and then I did six a day. That's as high as I got.

Q. All right, and those would be 5 milligram tablets I take it?

A. Five milligram tablets.

Q. So you would go on six-week cycles at dosages of initially 15 milligrams a day then, 30 milligrams?

A. Yes.

Q. All right. Then in the summer of 1983, did you have occasion to obtain steroids from a Canadian athlete?

A. Yes.

5 Q. Tell us about that, please.

A. Well, I didn't want to go through a lot of people to get steroids. So, I knew that Bishop Dolegiewicz, who was a shot-putter at the time, he had some.

10 And we trained, like I used to remember he used to come up in the summertime to train up here to get ready for the Canadian championships or whatever meets they had up here for him.

15 And we would be sitting around at the Michael Power track and right after the workout, I would buy my supply. That would last me basically a year or nine months, whatever. And we would just count it out and I gave him the money, and that was it.

20 Q. All right. In the summer of '83, how many tablets did you get from --

A. Thousand tablets, 10 bottles of Dianabol.

Q. All right. And --

25 THE COMMISSIONER: This was at the gym at the Michael Power school?

THE WITNESS: No, it was at the track,
that's where we used to practice.

THE COMMISSIONER: All right.

THE WITNESS: They weren't 10 bottles, it is
5 equivalent to 10 bottles, they were a thousand tablets.
He had them in a big cannister, it was a cylindrical
cannister that you could get off of the pharmacy, you know
those brown bottles with the twist-off top.

THE COMMISSIONER: They are large ones,
10 though?

THE WITNESS: Yes, I have never seen
anything like this. It was about like big.

THE COMMISSIONER: Where did you keep them?

THE WITNESS: He brought them to the
15 workout in his workout bag where he would tape --

THE COMMISSIONER: Then he would count out
a thousand pills sort of?

THE WITNESS: Yes, we sat there, put out
a towel, and we just counted out 100 of them at a time.

THE COMMISSIONER: How much would they be?
20

THE WITNESS: What do you mean?

THE COMMISSIONER: How much did you pay for
them?

THE WITNESS: I don't recall that, the
25 price. In the range between 10 to 18 dollars or something

like that. I don't know.

THE COMMISSIONER: For a thousand?

THE WITNESS: No, no, per 100.

THE COMMISSIONER: Per 100?

5 THE WITNESS: So, it was like maybe 150,
\$200, who knows. I don't know the exact price.

MR. ARMSTRONG:

10 Q. All right. Then in the summer of 1984,
did you have occasion to purchase Dianabol tablets from a
Canadian athlete?

A. Yes.

Q. Tell us about that, please.

15 A. Once again it was the same procedure.
Bishop came up for a meet, I think. It was the Olympic
year and they needed meets and they came up and I think --

Q. You said they needed meets, I take it
to get --

A. Track meets.

20 Q. When they needed meets, they needed to
compete to get ready for the games, is that it?

A. Right. Plus, I think they were
mandatory these meets, or the throwing coordinator for
Canada was setting them up for -- setting a couple of
25 meets up for the throwers to get ready for the Olympics or

to try to qualify for the Olympics because the standard was high.

And they were -- we were starting to throw well. And he sold me, once again, approximately a
5 thousand tablets.

Q. All right. And then did you have occasion in 1985 to be involved in a transaction with Mr. Dolegiewicz concerning steroids?

A. At a pharmacy, or between him and I?

10 Q. Between you and him?

A. Yes. He needed 700 -- no, actually he needed some Dianabol tablets, and I had 700 extra. And I lent him 700, because they were hard to get at that time. They weren't making them any more and people were trying
15 to get their hands on them.

THE COMMISSIONER: When was this? What year? '84?

THE WITNESS: I think it was March, February or March of 1985.

20

MR. ARMSTRONG:

Q. Where were you and where was he?

A. I was in Montreal training with him.

Q. All right.

25 A. Then -- no, I trained with him in

Montreal. I went to Cuba with him. We trained in Cuba for that -- there is a throwers' camp there for two weeks. And I either exchanged with him in Cuba or before that time.

5 Q. When you were in Cuba, did you have occasion to go to a drug store or pharmacy or some place with Bishop Dolegiewicz?

A. Yes. Since Dianabol was hard to get, we went in to this pharmacy and we wanted to see if we
10 could get some.

So, we go in there, and we wrote on a piece of paper, you know, what it was. And the lady looked at it. Initially she didn't want to give it to us, but then she probably thought, what the hell, these guys are
15 harmless. So, she gave us some Dianabol tablets. It was Russian Dianabol. They were white. They were aspirin-like. They were very big, but they were the same -- they were 5 milligram dosages per pill. And she -- they sold it to us. It came out like \$1.50 or \$2
20 U.S. for 20 tablets, they came in --

THE COMMISSIONER: How did you know they were Dianabol?

THE WITNESS: Pardon me?

THE COMMISSIONER: How did you know they
25 were Dianabol?

THE WITNESS: Well, because on the bottle it says Methandrostenolone, which is I guess is the generic name for Dianabol.

5 MR. ARMSTRONG:

Q. All right. And then in the 1985 year were you also in Italy?

A. Yes, we were in Italy. We were in Nice and then we rented a car and we went to Italy. We went to
10 Torino.

Q. Is that for a track meet or for just a holiday?

A. Well, with Torino we went sightseeing. We were in Nice training.

15 Q. And did you have occasion to be in a pharmacy in Italy and obtain some steroids at that time?

A. Yes, I remember we went in there and we were trying to get some Dianabol --

Q. When you say "we", who is that?

20 A. Bishop and I, Bishop Dolegiewicz and I.

Q. Yes.

A. We went in there and since I could talk Italian I talked to the pharmacist, the lady. And I said
25 can you sell us some anabolic steroids. And she asked,

well, what kind and whatever. So, I wrote down on a piece of paper, I wrote down Anavar, oxandrolone, and Methandrostenolone Dianabol and testosterone. We were looking for testosterone if they had any suspension,
5 testosterone suspension.

Q. That's injectable, is it?

A. Yes.

Q. Yes.

A. It is the water-based injectable
10 testosterone. And she didn't have any of the Anavar or the Dianabol, but she could -- she did provide for us testosterone. And I don't recall, I think it was enanthate or cyprionate, it is a type of testosterone. It is a testosterone ester.

15 And they came -- I still remember there were three vials, one cc per vial. And they were the kinds that you -- they were ampules, sorry, and you could crack them open and you extract the steroid from the ampule.

Q. All right. When you were in this
20 pharmacy and you got this testosterone, Bishop Dolegiewicz was with you, did he get any?

A. Yes, we bought it together. We were going to split it.

Q. Did you split it?

25 A. Yes.

Q. When you were in the pharmacy in Cuba and obtained what you described as the Russian Dianabol, did Mr. Dolegiewicz get any of the Russian Dianabol?

5 A. Yes, we split it there and we started taking it there.

Q. You said that you started taking it there, you mean actually taking the pills on the program?

A. Yes, during the camp in Cuba. That's we were training there.

10 Q. Were you rooming with Bishop Dolegiewicz?

A. Let me think about this. No, I was rooming with Dave Steen.

15 Q. Did you know whether Bishop took any of the stuff?

A. Oh, yes, I had seen him taking it and I had taken it.

20 Q. Then you mentioned that in 1985 you got -- I think your terminology was you lent 700 tablets of Dianabol to Bishop Dolegiewicz. Were those returned?

A. Yes, he returned them back to me. He paid me back in the summer of '86 at the Canadian championships right after.

THE COMMISSIONER: What championships?

25 THE WITNESS: The Canadian championships.

THE COMMISSIONER: The Canadian, thank you.

THE WITNESS: Can clear something up here.

When I said I roomed with Dave Steen, I saw
5 a lot of people in this room laughing. Dave Steen had
nothing to do with steroids. And at that point in time he
was afraid of them. And I even said would you ever take
any and he said no. So, I mean I think there are -- maybe
they are --

10 THE COMMISSIONER: I don't know why anybody
should laugh. If they did, I am glad you corrected them.
Their reason for doing so is disgraceful.

THE WITNESS: Yes.

15 MR. ARMSTRONG:
Q. Thank you, Mr. Spiritoso. Then you, in
this period of time, if I can take it, you have said that
you started in 1982, that you got involved with steroids
first by purchasing them from a pharmacy in Venezuela.

20 You have told us about some particular
instances up to and including 1985. It is, of course,
already in evidence in this hearing that you along with
two other Canadian throwers tested positively at a
national track meet in Ottawa in June of 1986. And,
25 indeed, you have already confirmed that. And what was it

you tested positively for in 1986?

A. They said it was metabolite 19-nortestosterone, which is a metabolite derived from Deca-Durabolin, nandrolone decanoate.

5 Q. Had you taken Deca-Durabolin?

A. Yes, eight months prior was my last shot I administered to myself.

10 Q. And over the years, in the period 1982 to 1986, apart from the steroids you have already mentioned, that is Dianabol, the Russian Dianabol, the testosterone, the Deca-Durabolin, were there any other steroids that you have taken in the period 1982 to 1986?

15 A. I tried basically the testosterone, the Dianabol, the Anavar. Anadrol, which is oxymetholone, 50 milligram tablets. Testosterone, the suspension. And that's basically it.

Q. What about propionate?

A. Oh, yes, the testosterone: propionate, enanthate, cypronate.

20 Q. Yes. And in what you have described, would aqueous testosterone be included in that?

A. Yes, that's the suspension.

25 Q. All right. And apart from the sources that you have already described in your evidence for obtaining some of the drugs that you obtained, what, in

general terms, were the other sources of supply for the drugs that you took?

A. In gyms or basically where you worked out.

5 Q. Was that in gymnasiums in both Canada and the United States?

A. Yes.

10 Q. Did you find that in both Canada and the United States steroids appeared to be readily available in this period 1982 to 1986?

15 A. I don't know about 1982 because in -- earlier on in my career I -- I didn't know much about them and I didn't purchase them. I basically purchased them off Bishop at the beginning. And then slowly as I started moving around, like in gyms, and working out, coming back from the U.S. and here, you make friends and you -- I got to buy them in the gyms.

Q. All right.

20 A. But basically I mean I didn't -- I didn't make many purchases. When I bought, I bought enough to last me awhile so I wouldn't have to do that kind of buying.

25 Q. Well, again, without naming names in the Toronto area, if you came back here, was there, if I can use the vernacular, any big deal about going into a

gym in Toronto and finding steroids available?

A. No. You see, it is like if an athlete is well-known or he is a very strong person, and he is working out in the gym, people tend to hear. And then you make friends in the gym and word passes on. And it wasn't
5 that hard to get, I mean not for me any ways.

Q. One of the -- when you were taking these steroids over -- I take it from your evidence that your training in the period 1982 through to the time of
10 the nationals in 1986 involved not only working very hard in physical training and in competitions, but you were consistently in that period on cycles of steroids; is that fair?

A. On and off, yes.

Q. On and off?
15

A. Yes.

Q. Generally on six-week cycles and then off?

A. I would vary them as I got closer to competitions. I wouldn't go on for six weeks, I would may
20 be go on for like two weeks on, two weeks off, two weeks on, or three weeks on, three weeks off. I would vary them.

Q. And your weight of -- what did you say
25 earlier, your weight got up to what?

A. Two-sixty-three. I was 263 in high school naturally. And basically when I was on the steroids I maintained. The only thing z-- the only difference was that I got extremely strong.

5 Q. All right. And --

THE COMMISSIONER: You should give me the name of your tailor.

THE WITNESS: Pardon me? Later on.

MR. ARMSTRONG: For a price.

10

MR. ARMSTRONG:

Q. In any event, I suppose it's fair to say as well that the 263 pounds after the steroid use had a lot more muscle in it than you may have had when you were 263 pounds in high school?

15

A. Definitely. I became more leaner.

Q. Did you ever have occasion, Mr. Spiritoso, to visit Dr. Astaphan's office?

A. Yes.

20

Q. How did that come about?

THE COMMISSIONER: Perhaps we will just take a short five-minute break.

MR. ARMSTRONG: All right.

25

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.
Commissioner.

5

MR. ARMSTRONG:

Q. Mr. Spiritoso, I was asking about Dr.
Astaphan. And you indicated that you had seen Dr.
Astaphan, and can you just take a moment, please, and tell
10 us how it came about that you went to see Dr. Astaphan.

A. I heard of Dr. Astaphan through some
athletes, I don't know whether it was Rob or Peter Dajia.
And I was injured. At the time I had tendonitis. And the
only time I would see Dr. Astaphan or when I first met him
15 I think it was in the summer of '85 or -- I was only up
here during the summer times and during the winter break
that would be the only times I would see him for injuries
and for shots of Inosine or the vitamin B-12.

Q. Did you, in fact, ever receive any
20 steroids from Dr. Astaphan?

A. No.

Q. Did you ever have any discussion with
him about steroids?

A. He was interested in what I was doing.
25 And he would be preaching to me to stay away from the

oil-based injectables because, number one, they were bad for my health. And number two, they would stay in my system a long time. How long, he didn't even know that much about, neither did I.

5 Q. When he gave you the Inosine and vitamin -- I assume it was Inosine and vitamin B 12 injections?

 A. Yes, it was Inosine and vitamin B, I think, B mixture, because I had an aftertaste in my mouth
10 of a vitamin after he had given me the shot.

 Q. And at that time when you went to see him for those injections, and, indeed, for any other reasons, did he do physical examinations of you?

 A. Yes. He did blood and urinalysis tests
15 on me. I don't know why he did. Maybe he saw something in my skin color or whatever. I don't know what it was, but he did an urinalysis. He did treatment on me, if I had injuries, like I had tendonitis in my hand and in my shoulder, and I had some muscle injuries.

20 Q. Now let me take you back and ask you some general questions about the situation in the throwing events in track and field generally.

 In the period of time that you competed, taking the '85 season out, you were involved both
25 competing for Canada and also competing for Clemson at the

intercollegiate level 1982 to 1987; is that correct?

A. Yes.

Q. I guess '85 you didn't take the time
out from the national team in Canada but you were
5 red-shirted in the U.S.?

A. Spring of '85 I took that semester off
so I could go to Europe and train and train in Cuba.

Q. All right. We have had heard a lot of
evidence about the situation among the throwers in Canada;
10 indeed, your own evidence confirms much of the evidence
that we have had heard involving throwers in Canada.

Let me ask you what was your experience in
the United States in the period 1982 to '87 as to how
prevalent steroid use was among throwing athletes at the
15 intercollegiate level in the U.S.?

A. It was extremely prevalent. It was a
known fact that most of the throwers were on -- if they
were any good, and even some of the throwers that weren't
any good, were taking the stuff. I guess scholarships
20 were at stake and performances meant a lot, making it to
the NCCA's and succeeding, being all-American.

Q. When you say extremely prevalent at the
intercollegiate level, are you talking about half or a
quarter or a third or?

25 A. In the throwing events, let's say in

the shot and discuss, I don't know so much about the javelin, what the percentages are, but I would say in the shot and discuss about 90 to 95 percent.

THE COMMISSIONER: Of the top ones?

5

THE WITNESS: Yes.

THE COMMISSIONER: Would that be fair?

THE WITNESS: Let's say the top 20 or 30 in the country.

10

THE COMMISSIONER: All right. The 90-odd percent of top 20 would be on steroids?

THE WITNESS: 90 to 95 percent.

MR. ARMSTRONG:

Q. Top 20 to 30, did you say?

15

A. Yes.

THE COMMISSIONER: Of the 20 or 30.

MR. ARMSTRONG: Yes.

MR. ARMSTRONG:

20

Q. And then you mentioned that even those that weren't so good, I mean even to be in the top 100 in the United States might well be significant. And you say that even those that weren't as good as being, can I put it this way, in the top 20 or 30 that there were --

25

A. Sure.

Q. -- also a number who were involved in steroid programs?

A. There was 90 to 95 percent of the athletes throwing the shot and discuss that were extremely competitive, at the NCAA division one level, were on, in
5 my opinion. And that was a fact, it was known.

I mean when you went to meets, basically the throwers sat around after the meet and they talked or they went to a bar and socialized. And steroids always came
10 up.

Q. When you socialized after a meet at a bar or wherever, there would had been frank discussions among you --

A. Sure.

15 Q. -- in which people would admit --

A. Dosages that were taken, what kind of steroids taken.

Q. Clearance times?

A. Clearance times. Clearance times was
20 becoming very important.

Q. That's because more testing --

A. Well, because when you are at a certain level, that's what you think about more than anything because when you are the top 20 -- when you are in the top
25 20 in the country or the top 50 in the world, the ability

is there, the training is there, it is just a matter of beating the test. That's what we are talking about clearance times a lot, and what stuff to take close to the competitions and how many days to stay off of it.

5 Q. I suppose the higher up the ladder you are, the more likely it is that you are going to finish high in the event and become a subject for a test; is that right?

A. Right, exactly.

10 Q. When you were in the United States as a intercollegiate athlete at the NCAA level, did you also associate with athletes in other sports, for example, football?

A. Yes.

15 Q. Did you run in to football players in the weight training room and places like that?

A. Yes.

20 Q. Did you develop any sense from these contacts as to whether or not the use of anabolic steroids by U.S. intercollegiate football players was a significant factor?

25 A. Yes. A lot of them who were in their juniors and senior years had aspirations of making the NFL. And a lot of them would do basically almost anything to do reach that level. And a lot of the offensive

linemen knew they had to put on weight and size to compete
in the NFL because these guys were behemoth, they were
like -- I am talking about the guys in the NFL, six-six,
300 pounds and that's very large for anybody, let alone
5 football players.

10

15

20

25

Q. And presumably the way to achieve that size, one of the ways to achieve that size was with the use of anabolic steroids?

A. For some people, yes.

5 Q. All right. And from your association among athletes in the United States at the inter-collegiate level and particularly from time to time football players, I take it you would gain the same kind of knowledge, although perhaps not as indepth, but the
10 same kind of knowledge that football players would be frank to admit that they were using steroids and that it was a fact of life?

A. They would admit it to people like I or people involved in power sports like throwers or other
15 football players or powerlifters. People that they had confidence and shared the same thing I guess, the same steroids, whatever, dosages they would take. Whatever.

Q. Thank you, Mr. Spiratoso. Those are all the questions I have. Others may have questions.

20 THE COMMISSIONER: Thank you. Mr. Albright.

---DIRECT EXAMINATION BY MR. ALBRIGHT:

Q. Thank you, Mr. Commissioner. Mr.
25 Spiritoso, after you tested positive at the Canadian

championships in the summer of 1986, you went back to Clemson to complete your Bachelor of Science in Industrial Management?

A. Yes.

5 Q. And you competed for Clemson during that school year?

A. Yes.

Q. And were you tested for steroids during that year?

10 A. Yes, they found out about me testing positive at the Canadian championships and they were--I think they just started enforcing a new drug testing program down there where they did test for street drugs and anabolic steroids, and I was tested as soon as I
15 returned to Clemson and then I was tested in the spring of '86 by Clemson again and then I was tested at the NCAA championship by the NCAA for steroids also.

Q. I take it the results of all these tests were negative?

20 A. Yes, they were all negative.

Q. And after you completed your Bachelor of Science in 1987, I understand you became an assistant coach at Clemson?

A. Yes, I was a graduate assistant there.
25 I was coaching the throwers.

Q. And during that time, you obtained your Master of Science in Industrial Management?

A. Yes.

Q. Those are my questions.

5

THE COMMISSIONER: Thank you.

MR. PRATT: None, Mr. Commissioner.

THE COMMISSIONER: Mr. Sookram?

---EXAMINATION BY MR. SOOKRAM:

10

Q. Yes, sir. Mr. Spiritoso, when you first went to Dr. Astaphan, did you go to him because of an injury?

A. Yes.

15

Q. Did you become his patient and use him as a family doctor?

20

A. Yes, he was one of the few doctors that listened to me. I originally had a family doctor and I would describe my situation to him, my family doctor at the time, and he would just brush me off and say stay away from those steroids, they're bad for you. I wasn't going to a doctor to be scolded, I wanted some advice and a lot of these family doctors weren't knowledgeable on the issues of anabolic steroids.

25

Q. And I understand you to say that Dr. Astaphan himself gave you no steroids?

A. No steroids .

Q. Did you tell him you were on steroids?

A. Yes, I did. He had asked me which ones
I was taking.

5 Q. And advised you--

A. And he advised me to stay away from the
oil-based injectables which included Deca-Durabolin and
the testosterone cypionates and any other kind of
injectable, oil-based injectable steroids.

10 Q. Did he at any time, sir, ask you for
payment of his advice or his treatment or anything?

A. No, he didn't.

Q. Thank you very much, sir. No further
questions.

15 THE COMMISSIONER: Mr. Ashby.

---EXAMINATION BY MR. ASHBY:

Q. I thought I was forgotten, Mr.
Commissioner, because I see my name is gone from the table
20 back there. Mr. Spiritoso, I represent--

THE COMMISSIONER: Do you want it back on?
We'll order it for you.

MR. ASHBY:

25 Q. Thank you, Mr. Commissioner. I

represent Bishop Dolegiewicz, Mr. Spiritoso. Can you help me with the prevalence of steroid use amongst the throwers in Canada? Was it as prevalent as you've described in the NCAA?

5 A. As in the top what, five throwers in Canada, top ten throwers?

 Q. I don't know how many there are in Canada. Tell me.

 A. There is a lot of throwers, but I mean,
10 there is a lot of them that aren't doing very well or haven't done very well. What percentage do you want?

 Q. Let's take the top ten then of the discus and the shotput.

 A. Oh, about 30%, 40% I would say.

15 Q. Are taking steroids?

 A. Yes, or were taking when I was competing. That's my guess.

 Q. And were steroids freely available amongst those athletes, those throwers who were taking
20 them?

 A. Yes.

 Q. So if one athlete ran out, he could always go to another thrower and get his supply?

 A. Yes. That would be one way of getting
25 it.

Q. Now when you loaned 700, as you described it, to Bishop Dolegiewicz, where did those 700 come from?

A. If I remember correctly, I had
5 purchased them in the U.S.

Q. Is that at Clemson?

A. No.

Q. Whereabouts had you got them?

A. Some other source.

10 Q. From a gym? I mean, you don't have to give me the name, but from an athlete or from a gym or from where?

A. From a coach.

15 Q. And were drugs also, steroids in particular, also freely available at Clemson?

THE COMMISSIONER: They weren't free.

MR. ASHBY: Well, they were available at
Clemson.

THE COMMISSIONER: Readily available.

20 THE WITNESS: At one time, yes.

MR. ASHBY:

25 Q. Just help me with these incidents when you purchased them from Bishop Dolegiewicz. You said I think the summer of '83?

A. Yes.

Q. And my note said, I think, that you thought Bishop came up from somewhere. I take it--

A. Texas or California or somewhere.

5 Q. That's where he had been?

A. I guess.

Q. And can you help me more where within the summer of 1983 this purchase took place?

10 A. It took place at Michael Power High School and when--I think it was about late May or in June sometime, early June. It could have been June because I had come back from the U.S. at a meet. The Tom Black Track Classic I think was May 20th or something like that.

15 Q. So it was late May, early June, sometime in that period?

A. Sometime in there, in June or somewhere.

20 Q. Now the summer of '84, again my note says that he had come up for a meet. Where was he in those days?

A. He was in Toronto.

Q. But where had he come up from?

25 A. Maybe California. California or Texas. I don't know. He was spending time in Texas because he had been going to school there. He was a graduate

assistant in the weight room I think it was, and he went to California because his fiance or it could have been his wife at the time was living out there.

5 Q. And again can you help me. When in the summer of '84 this transaction is alleged to have taken place?

10 A. That took place when he was up there--when he was up in Toronto for that meet. We had two meets. We were trying to qualify for the Olympic Games. They were at York University. That's when the meets were, but I was training with him--like, he would come up to Michael Power and we would have throwing practices.

15 Q. But this transaction took place at York you think at the qualifying meet?

A. No, no, the transaction took place at Michael Power.

Q. That's where you were training together?

20 A. Yes.

Q. And I'm still not entirely clear. When were the Olympics of '84, the summer of '84. Which month?

A. When were they?

Q. Yes.

25 THE COMMISSIONER: July, weren't they?

A. I think they were in August maybe.
Early August.

MR. ASHBY:

5 Q. So these qualifiers, were they in
July, June?

A. No, I think it was in June maybe.
Whenever the two meets were scheduled that we were up here
for. Bruno, Bishop, Martino and I were throwing in these
10 meets, and Luby Chambul also.

Q. Now in 1985, would you agree with me
that Bishop Dolegiewicz was, in fact, winding down his
career as a thrower?

A. Yes, and he was I think aspiring to be
15 a coach. He was an apprentice coach under Jean-Paul
Beart.

Q. And these trips that you took to Europe
together were his last hurrah, so to speak?

A. His last hurrah meaning?

20 Q. His last attempt to regain his form
that he--

A. Yes, he was training for the discus.
He knew he didn't have it anymore for the shot so he just
decided to start picking up the discus.

25 Q. And indeed that didn't work either?

A. Obviously not.

Q. Thank you, Mr. Commissioner.

THE COMMISSIONER: Thank you. Any
re-examination, Mr. Armstrong?

5 MR. ARMSTRONG: No.

THE COMMISSIONER: Thank you very much for
coming forth, Mr. Spiritoso. Thank you. Good luck. All
right, the next witness?

10 MR. ARMSTRONG: Would you get in the
witness box?

THE COMMISSIONER: Okay, tomorrow morning
at 10 o'clock.

MR. ARMSTRONG: Thank you.

15

--- Whereupon the proceedings were adjourned to Thursday,
June 1, 1989, at ten o'clock.

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25

